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VOLUME XL

1946

GEORGE BANTA PUBLISHING COMPANY
MENASHA, WISCONSIN
1946

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Published Bimonthly by
THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Publication Office, 450–458 Ahnaip St., Menasha, Wis.

Editorial Office
309 South Hall
University of Wisconsin
Madison, Wisconsin

Secretary of the Association
1822 Sheridan Road
Northwestern University
Evanston, Illinois

Foreign Agents, P. S. King and Staples, Ltd., Great Smith St., Westminster, London

Entered as second class matter at the post office at Menasha, Wis., under the Act of August 4, 1912.
Acceptance for mailing at special rate of postage provided for in Section 1103,
Act of October 3, 1917, authorized May 12, 1926.

Made in the United States of America

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THE AMERICAN POLITICAL SCIENCE REVIEW, published bimonthly, is supplied to all members of the American Political Science Association. The annual dues are $5.00 a year ($3.00 for graduate and undergraduate students). $1.00 should be added for foreign postage.

Current issues, $1.00 per copy. Prices of other issues, and of complete volumes, are listed near the end of this number.

Applications for membership, orders for the REVIEW, and remittances should be addressed to 450–458 Ahnaip St., Menasha, Wis., or to Kenneth Colegrove, 1822 Sheridan Road, Northwestern University, Evanston, Ill.

Correspondence concerning contributions to the REVIEW—also books submitted for review—should be addressed to Frederic A. Ogg, Managing Editor, 209 South Hall, University of Wisconsin, Madison, Wis.

Articles and notes in the REVIEW are indexed in the *Reader's Guide to Periodical Literature*.

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The American
Political Science Review

VOL. XL FEBRUARY, 1946 NO. 1

THE WAR DEPARTMENT MANPOWER BOARD

GEORGE W. PEAK*
Chicago, Illinois

I. INTRODUCTION

The Army's experience in controlling the utilization of manpower during the war is unique in American annals of management and administration. Although there previously was something of a program of manpower control on a nation-wide level, its administration was beset by the lack of enforcement authority, by division of responsibility as among the executive branches, and by the lack of a clear mandate from the Congress. The Army, on the other hand, suffered no such limitations with respect to the body of manpower allocated to it from the nation's resources. Its authority was unquestioned, its responsibility undivided, its mission clear.

Notwithstanding these things, the Army's task in controlling the use of its manpower was exceedingly complex. It involved the training and retraining of millions of individuals for a great variety of unfamiliar jobs, the needs for specific numbers of which could be foreseen with only very rough accuracy. It called for the dispersion and deployment of these individuals to the four corners of the earth, requiring at the same time the maintenance of central control over their use after they had been deployed. It required the shifting of individuals and groups of individuals as among different jobs and types of jobs, and as among various broad tasks or missions. Finally, it called for the orderly withdrawal of these individuals from the military establishment and their return to the civil economy. This task of controlling the use of manpower was of such

* Staff member of Griffenhagen and Associates, Consultants in Management (formerly consultants to the War Department Manpower Board). Opinions and interpretations of events as expressed herein are those of the author.

magnitude that it is difficult to visualize. About the only comparable situations to be found are those involving large military establishments of other nations, and these afford little contribution toward an understanding of the problem.

This paper deals with only one phase of the Army's problem of control over manpower utilization, namely, that pertaining to the broad control over the use of Army manpower to operate the zone of the interior establishment. The term "zone of the interior establishment" is used in the Army to describe all of the various installations and activities in the continental United States as a whole. The personnel operating the zone of the interior establishment is to be distinguished from those troops in the zone of the interior undergoing training. For example, persons operating an induction station or a reception center are considered to be a part of the zone of the interior establishment, whereas the persons passing through such a station or center are not so considered. A similar distinction is made between the personnel operating a school or training center and the personnel being trained. The purpose of this distinction is to allow of a separate control over the personnel engaged in operating the zone of the interior establishment, on the one hand, and to allow of a different type of control over those destined for use in overseas operations, on the other hand.

The reason for two types of controls lies in the nature of the operations involved. Overseas operations are of a military nature and require that personnel be controlled by use of standard Army organization units, e.g., companies, battalions, regiments, divisions, corps, armies, and groups of armies. Zone of interior operations, on the other hand, are to a large extent civilian in character. In operations of this type, the standard type military organization proved uneconomical. For this reason, a different type of control over personnel utilization was required.

The broad control over manpower to operate the zone of the interior establishment was the responsibility of the Army Chief of Staff, and was delegated for the most part to the Deputy Chief of Staff. The staff agency designated to deal primarily with this problem was the War Department Manpower Board. During the course of its work, the WDMB pioneered in an uncharted and expansive section of the field of management and administration. It is the purpose of this paper to make of record some of the most important elements of this experience.

II. ESTABLISHMENT AND MISSION

During the latter part of 1942, the Army began to feel the manpower pinch. The emphasis was beginning to change from "get the job done no matter what the cost" to "use fewer people to do the job as well." It was beginning to be apparent that the nation's manpower pool would not support an Army of unlimited size. Pressures from business and agriculture made it necessary that the Army make certain commitments to the Congress relative to the total strength required. These commitments in turn called for a smaller Army, by some 500,000 men, than originally planned. At the same time, the Chief of Staff was determined that this change should not be allowed to interfere with the planned use of personnel for combat operations. The logical place to concentrate on attaining the utmost economy in the use of manpower was in the zone of the interior. To this end, the War Department Manpower Board was created during the early part of 1943 as an agency of the War Department Special Staff (special staff agencies on a level coördinate with the War Department General Staff). It is significant to note that fiscal controls over expenditures for personnel were not considered to be the best means of attaining the desired objective. Although in some respects the use of fiscal controls might be preferable to use of other control mechanisms, the distinctive psychology with respect to appropriating and spending for the Army in wartime probably does not lend itself to close association with an urgent program for economy.

The mission of WDMB as first established did not embrace any consideration of installations and activities of the Army Air Forces nor of civilian personnel. On March 11, 1943, however, a directive was issued broadening the scope of the Board's activities to include consideration of civilian personnel, as well as military, and of all installations and activities of the zone of the interior establishment. The language of the directive setting forth the mission of the Board was as follows:

"A board . . . is appointed . . . for the purpose of making a continuous survey of the employment of manpower, both military and civilian, under the jurisdiction of the War Department and within the continental United States, with the objective of recommending to the Chief of Staff, U. S. Army, measures which will secure its most effective and economical utilization. This survey will include analyses of existing functions and activities, with appropriate recommendations for the elimination or cur-

tailment of those found to be of lesser or diminishing importance in the prosecution of the war. . . . Initially, the Board will not concern itself with units and services organized and destined for service overseas."

In two specific instances, the WDMB was assigned special missions in theaters of operations.

As evidence of the importance attached to the mission of the WDMB by the Chief of Staff, the following paragraphs are quoted from a letter sent by him to the commanding general of each of the three Army forces (AGF, AAF, and ASF) on March 12, 1943:

"I am enclosing a copy of the revised directive appointing the War Department Manpower Board and delineating its functions. The activities of the Board have been broadened to include civilian personnel and all military installations and activities in the continental United States, except units and services organized and destined for service overseas.

"The War Department Manpower Board will operate directly under my supervision. The Board has no directing powers, and its recommendations will be submitted directly to me. The Board will work in close collaboration with your headquarters, as well as with field agencies under your command, and is authorized to deal directly with all agencies coming within the scope of its activities.

"I desire that your headquarters and all subordinate commanders under your jurisdiction extend to the Board every possible assistance and coöperation in its extremely important work."

III. ORGANIZATION AND FUNCTIONS

General Structure. The basic organization structure of the War Department Manpower Board was formed soon after the Board was first established. Field sections of the Board were created to provide close contact between the Board and the personnel actually operating the zone of interior activities. Staff sections were set up in Washington to furnish technical assistance to the Board and to maintain contacts with the headquarters of the three major Army forces. The organization of the WDMB may be outlined appropriately, therefore, under three main headings, as follows: (1) the Board proper, referred to frequently as the Main Board; (2) WDMB staff sections; (3) WDMB field sections. The WDMB operated with a total staff (field and Washington) of less than 100 persons during most of its existence.

The Board Proper. The War Department Manpower Board

proper, as first established, comprised four officers, three members and a recorder. This basic constituency has remained unchanged. One officer member, a major general, was designated as president of the Board. A brigadier general and a colonel were designated as the other two members. A colonel, who is known as the executive officer of the Board, served as the recorder. Soon after the establishment of the Board, its membership was expanded to include two civilian advisory members, and two prominent business executives were appointed to these positions. One of these was the president of an agricultural implements company engaged in war work and the other was a vice-president of a large insurance company. Both of these members served without compensation and at the call of the president of the Board on frequent occasions throughout the first few months of the Board's existence. Thereafter, and particularly after the Board's program and procedures became more stabilized and definite, the president of the Board required their services less frequently, and they became by mutual consent what might be termed inactive members of the Board.

The "business" of the Board proper was carried on by means of one or more of the following proceedings: (1) frequent formal or informal (mostly informal) conferences of members of the Board; (2) frequent conferences of the members of the Board and its Washington staff; (3) frequent conferences of the members of the Board, its Washington staff, and representatives of the headquarters of a particular one of the Army forces; (4) less frequent conferences of the members of the Board, with and without its Washington staff, and representatives of the Army general and special staff agencies; (5) infrequent conferences of the members of the Board, its Washington staff, and the chairmen (heads) of its field sections; (6) initiation of drafts of directives to field sections and memoranda for the Chief of Staff by a Board member or one of its staff and concurrence therein by other Board members, without the necessity for conference discussion; and (7) designation of committees or teams from among the Washington staff sections and personnel of the field sections to accomplish special projects, usually of types that cut across the lines of work of the various sections and that were common to all or most sections, to be submitted to the Board proper for approval.

The outcome of these proceedings was usually (1) a directive to

the field sections of the Board to accomplish a specific task or to observe a general method of procedure, (2) a decision as to the institution of, or change in, a procedure designed to serve as a part of the personnel control system, or (3) a memorandum for the Chief of Staff embodying specific recommendations for actions to be taken through the command channels. These memoranda for the Chief of Staff were usually sent through the Assistant Chiefs of Staff G-1 and G-3, of the Army General Staff, for concurrence.

The administrative authority within the Board, and extending to the staff and field sections, was vested in the president of the Board. Each of the other members had the right to disagree with the president, or with the president and the other member. This right presumably carried with it the right of the dissenting member to have his recommendations represented to the Chief of Staff in juxtaposition to those of the other members. Not infrequently, the members of the Board disagreed among themselves, but there was never a case where there was not a united front in dealings with other agencies.

WDMB Staff Sections. Staff sections of the Board, as organized soon after it came into existence, were termed the executive section, the technical section, and the program action section. The functions of the executive section involved keeping the Board's records, handling official correspondence, and general administration of all affairs of the Board. The technical section's functions involved the development and administration of a system of personnel allotments and controls, the drafting of survey instruments to be used by field sections, the analysis and compilation of the results of field section survey reports, and other special assignments given it from time to time. The program action section served in the capacity of a field section in that it conducted some field surveys that crossed the jurisdiction lines of field sections and in the capacity of a staff section in representing the Board on civilian personnel matters with the Bureau of the Budget (on ceilings provided for by law) and in carrying on specific short-term projects as directed by the Board.

It is to be noted that this plan of staff organization provided for specialization in particular types of staff work, but did not provide for specialization with respect to the particular elements of the Army, the personnel requirements of which were the immediate

concern of the Board. The need for this latter type of specialization became more and more apparent as the personnel pinch tightened. Accordingly, in August, 1944, the staff sections of the Board were reorganized and given the following names: Executive Section, AAF Section, ASF Service Command and AGF Section, and ASF Technical Services Section.

The executive section retained its old responsibilities and was assigned the added functions of administering the personnel allotment system, editing survey instruments, personnel-workload charts, and other similar materials, dealing with the Bureau of the Budget on civilian personnel ceilings, and otherwise coördinating the work of the other staff sections. Each of the other staff sections, in its own sphere, was to develop survey instruments, analyze survey reports of field sections, make quarterly estimates of the personnel requirements of the Army elements with which concerned, and otherwise serve as the Board's staff arm in dealing with manpower problems.

Contemporaneously with the reorganization of the staff sections, the survey jurisdictions of the WDMB field sections were enlarged to encompass the responsibility for all field work, thus absorbing one of the functions of the former program action section. At a somewhat later date, a new field section of the Board (the X Section) was established to serve in the area of the Military District of Washington (Washington, D. C., and vicinity). This X Section served in the dual rôle of both a field section and a staff section. Its staff functions were as outlined above for the last three staff sections, except that its sphere covered the War Department Groups. These War Department Groups comprise certain headquarters and miscellaneous offices and agencies brought together for special administrative purposes into five general groups, as follows: the Joint Chiefs of Staff Group; the Secretary of War Group; the Chief of Staff Group; the Miscellaneous War Department Group; and the Civilian Agencies Group. The X Section's functions in its rôle as a field section were as outlined below for other field sections.

The relationships of the several staff sections of the WDMB with the major organization elements of the Army in the zone of interior were as shown in the following table:

Major Army Organization Element	*WDMB Staff Section Concerned*
War Department Groups	X Section.
Army Ground Forces	ASF Service Command & AGF Section.
Army Air Forces	AAF Section.
Army Service Forces:	
Headquarters	ASF Technical Services Section.
Technical Services	ASF Technical Services Section.
Service Commands	ASF Service Command & AGF Section.

WDMB Field Sections. Field sections of the Board served the purpose of maintaining liaison between the Board and intermediate echelons of the chain of command and of keeping the Board informed as to developments in the field affecting the course of manpower utilization and control. Their main function, however, was to conduct surveys of personnel requirements of particular types of activities as directed by the main Board and to make reports of their findings and recommendations to the main Board. There were ten field sections, one located in each of the nine ASF Service Commands and the X Section located in the Military District of Washington.

Thus, geographically, these ten sections covered the whole of the United States. The field sections were accorded two types of jurisdiction, referred to officially as survey jurisdiction and contact jurisdiction. Survey jurisdiction followed the geographical boundaries of the service commands so that, for example, all installations and activities (ASF, AAF, and AGF) within the geographical boundaries of the ASF VII Service Command came within the survey jurisdiction of the VII Section, WDMB. Contact jurisdiction refers to the responsibilities of the field sections for liaison with the field commands of the Army Air Forces and Army Service Forces.

No contact jurisdiction problem was involved in the case of the ASF Service Commands, since in this case survey jurisdiction and contact jurisdiction had the same boundaries. The geographical boundaries of the AAF field commands and forces, however, were not coterminous with those of the ASF Service Commands. For example, First Air Force installations were located in a number of different ASF Service Commands, and the AAF Training Command extended throughout the whole United States. A general rule was worked out, therefore, to the effect that contact jurisdiction was to be assigned to the field section located in the ASF Service

Command in which the headquarters of the AAF field command or force was located. For example, the headquarters of the AAF Training Command was located in Ft. Worth, Texas, which was in the ASF VIII Service Command. Contact jurisdiction with respect to the AAF Training Command was the responsibility of the VIII Section, WDMB. No contact jurisdictions were assigned to field sections in the case of the ASF Technical Services and the commands of the Army Ground Forces. Liaison with the ASF Technical Services headquarters, all located in Washington, was a function of one of the staff sections. The manpower used by Army Ground Forces to operate zone of interior establishments was only a small fraction of the total, since the Army Ground Forces were served in large part by the Army Service Forces; hence, it was not considered necessary to maintain continuous liaison with AGF field commands.

For the most part, officers of relatively high grades (major generals, brigadier generals, colonels, and lieutenant colonels) were chosen to staff the field sections. The results of this policy were twofold. First, survey teams of these sections, by virtue of their rank, lent prestige to the Board and served to indicate to installation and activity commanders the importance attached to manpower economies. Second, the selection of officers of high grades resulted, by and large, in a group of survey team members of long experience in Army operations and of seasoned judgment.

One particular difficulty arose in the operations of the Board because of the plan of field section organization that was followed. This related to the fact that the main Board found it desirable to have the field sections concentrate on surveys of one or a few types of activities at a time, and to the fact that all types of activities were not spread evenly throughout the field section survey jurisdictions. This meant that the requirements for survey team personnel changed radically as the surveys of one type of activity were completed and surveys of another type started. The problem was met by programming surveys on a quarterly basis and providing for shifts of survey team personnel among field sections each quarter. Other methods of dealing with this problem were not given much consideration, although it may be that some of them would have been distinctly preferable.

Perhaps the main matter relating to the organization of the field sections that is open to criticism was the lack of provision for spe-

cialization. For example, surveys of depots could have been assigned to teams of specialists in depot operations, surveys of training centers to teams of training specialists, and so on for other important types of activities. Lacking the necessary specialists, survey teams might have been assigned to one kind (or a few kinds) of activities, thus "specializing" in a particular field. Unfortunately, the extent to which provision for such specialization might have improved, if at all, the results that were attained by the WDMB is not measurable in retrospect. At the very least, it might have been worth a trial on a small scale.

IV. MANPOWER CEILINGS

Basic Inventory. One of the first acts of the WDMB was to take a basic inventory of the personnel coming under its purview. This comprised, when completed, the first comprehensive statement of the numbers of persons (military and civilian) engaged in operating the zone of interior establishment. Personnel figures prior to that time lacked considerably in meaningfulness for two reasons: first, because little distinction was made between the personnel operating a particular zone of interior activity, on the one hand, and the personnel present at the activity but not engaged in its operation (inductees, trainees, embarkees, etc.), on the other hand; and second, because military personnel counts and civilian personnel counts were usually collected through different reporting channels and, more often than not, could not be matched and merged, thus rendering it impossible to prepare a classified statement of the strength of many of the major commands.

The basic inventory showed that 3,000,000 persons, in round numbers, were being used to operate the zone of interior establishment. Of this number, 1,600,000 were military personnel and 1,400,000 were civilians. These two categories of personnel were further divided into component types in the inventory. The types of personnel recognized within the military category were male officers, WAC officers, warrant officers, nurses, enlisted men, and enlisted women. The civilian category was divided into a sex classification. No attempt was made to subdivide the personnel data further into grades of the various types of positions. The cross-classification used in the basic inventory provided a breakdown by organization unit (termed "orgit" for short). Orgits were identified down to and including the station level and, in cases where the data were readily

obtainable, to the level of certain types of activities established at large installations.

Studies of the basic inventory, of the reporting and control systems in effect within the three major Army forces, and of requirements for a system of personnel control led to the establishment of a system of manpower control having the following organic elements: (1) personnel ceilings for each of the three major Army forces and the War Department Groups established by means of controlled allotment vouchers; (2) subceilings within each major force and the WD Groups established by means of authorizations and sub-authorizations made by appropriate instruments progressively through the chain of command down to the lowest orgit; (3) monthly reports of strengths as compared with sub-authorizations, authorizations, and allotments; (4) continuous survey and study of personnel requirements of the various types of zone of interior activities as related to the current workloads being carried; and (5) periodic estimates of personnel requirements in conjunction with workloads to be carried.

Establishment of Ceilings. At least three distinct problems were posed with respect to the establishment of manpower ceilings for the three major forces and the WD Groups. These related to (1) the determination of the appropriate ceiling figures; (2) the types of personnel to be recognized for ceiling purposes; and (3) the administrative procedures to be followed in making allotments.

The first problem, and at first blush the most vexing one, was met by the rather simple expedient of deciding that the first allotment would be fixed at the strength figure for the prior month. Although this decision begged the question as to the "correct" allotment, it was felt that it would have several virtues. It would make possible the initiation of a *system* of control that otherwise might be delayed in application by many months. In addition to the establishment of the system, it would bring about some measure of actual control over personnel strengths with dispatch. Finally, it was felt that it would work no real hardship on any of the agencies for which the ceilings were to be fixed, since on the whole the work-load of the zone of the interior was leveling off.

The second problem, i.e., which types of personnel should be recognized for ceiling purposes, was complicated by the ceiling requirements of an act of the 78th Congress, Public Law 49, May 7, 1943, providing for ceilings on "white collar" workers and by the desire

to provide for some flexibility within total personnel ceilings to allow substitutions of civilian for military personnel without the necessity for "before-the-fact" changes in allotments. After much consideration, it was recommended and decided that allotments for a particular agency would set three ceilings, as follows: (1) a ceiling for the total of all types of personnel; (2) a ceiling for total military personnel; and (3) a ceiling for civilian personnel subject to Public Law 49 (soon inevitably to be termed "forty-niners").

It is to be noted that no specific ceilings were provided for civilian personnel not subject to Public Law 49 (the "non-forty-niners"), although such personnel was encompassed under the ceiling for the total of all types of personnel. For example, suppose a ceiling of 1,000,000 were set for the total of all types of personnel and that within this total amount, ceilings were set at 500,000 for military personnel and 300,000 for "forty-niners." Since the latter two ceilings do not apply to "non-forty-niners," this type of civilian personnel is not limited to the difference of 200,000, but is limited only by the total ceiling of 1,000,000. Thus, if the agency receiving the allotment found it possible to obtain 250,000 "non-forty-niners," it could employ them under its allotment by failing to use 50,000 of its military ceiling. The same kind of provision for automatic substitutions of civilian for military personnel would have been made for all types of civilians had it not been for the specific ceilings required under the terms of Public Law 49.

In addition to these three types of ceilings, subceilings were set on various types of military personnel within the total military personnel ceiling. The types recognized were officers (including WAC officers), warrant officers (including flight officers), nurses (including hospital dietitians and physical therapy aides), and enlisted personnel. No attempts were made to establish ceiling controls over the various grades of positions for perhaps two reasons. First, position grades were subject to various kinds of controls without reference to ceiling limitations. Second, it was considered that the ceiling controls would become too complicated if grades had to be considered and that broad "wholesale type" control would better accomplish the prime purpose of the ceilings. Not only did this decision prove wise, but possibly it would also have been well to omit the subceilings on types of military personnel.

The third problem in the establishment of the ceiling controls related to the administrative procedures to be followed in making

the allotments. This problem comprised three parts: to whom would allotments be made, by whom, and in what manner?

The "to whom" part of the problem was answered by a decision to make separate allotments to the commanding general of each of the three Army forces and to the secretary of the general staff for the WD Groups.[1] There was no earmarking of allotments for specific agencies within any of the Army forces, but there was laid down a positive requirement that each Army force establish its own system of internal ceiling controls to provide for the distribution of an allotment by means of suballotments (termed authorizations on the first level of distribution and subauthorizations for the lower levels) to reach eventually the using activity.

The "by whom" part of the problem was rather closely allied to that part of the problem pertaining to the manner in which the allotments would be made. Since the commanders receiving the allotments looked to the Chief of Staff for authority to perform the functions vested in them, it followed that the responsibility for controlling their employment of personnel lay with the Chief of Staff. It was rather clear that the document evidencing an allotment would have to be signed by or for the Chief of Staff, or by his authority or order.

The question as to what kind of document to use as evidence of the allotment and as to the preparation and routing of such document required quite a little study and attention. Previous piecemeal personnel authorizations that had been issued from time to time for certain agencies prior to the establishment of the ceilings here under discussion were extremely difficult to trace. Some agencies had received authorizations in at least four different forms from four different sources, none of which was aware that other authorizations had been granted. In such cases, it was virtually impossible to determine the amount of an agency's authorization at any given date. It was decided, therefore, to issue allotments on standard controlled forms that would be routed and distributed according to a standing operating procedure. According to standing practice, recommendations for allotments or changes in allotments were to originate with, or be channeled through, the War Department Manpower Board; pass through the Assistant Chiefs of Staff, G-1 and G-3, for concurrence; and be approved by the Deputy

[1] Later the Personnel and Administrative Branch, Office of the Chief of Staff, was designated to receive and distribute the allotments for the WD Groups.

Chief of Staff. Upon approval of the recommendation, a numbered personnel allotment voucher was to be issued by the WDMB. This voucher indicated, as of each of several future dates, the following things with respect to each type of personnel ceiling: (1) the old balance of the allotment; (2) the change evidenced by the voucher; and (3) the new balance of the allotment. Thus, the bookkeeping involved in the system of ceiling control was incorporated in a voucher designed to render other bookkeeping records unnecessary.

One additional type of subceiling that was established deserves mention. One of the provisions of Public Law 49 required that a ceiling be fixed for "departmental" civilian employees in and around Washington. This type of subceiling was incorporated in the regular system of ceiling control.

Enforcement of Ceilings. The ceilings were enforced by means of monthly reports of the authorizations made in distributing the allotment received from the Chief of Staff and of the personnel strength of the elements to which the authorizations were distributed. These reports also showed the distribution of personnel within each such element according to the types of activities operated by the element. This classification by type of element was in effect a rough classification by function. Month-to-month trends of these personnel strengths by function were thus made available and could be checked against over-all indices of the work-load attributable to the respective functions. Summaries of these monthly reports were prepared for the Chief of Staff, and a limited distribution was made to other interested parties.

In addition to the monthly reports submitted by the major forces and the WD Groups to the WDMB, field sections submitted abbreviated monthly reports based on data obtained directly from the subordinate commands of the Army forces. These reports showed for each activity (classified under the same "type of activity" headings as in the reports described in the preceding paragraph) the total subauthorization, the total strength, and an index (or indexes) of the workload carried. The total strength for a particular subordinate command was the same for this report as for the report described in the preceding paragraph. During the embryonic stages of the operation of the ceiling control system, these monthly reports from the WDMB field sections served a number of useful purposes. Although they later outlived these purposes largely, they were not discontinued.

Changes in Ceilings. Changes in ceilings may be classified into two types, periodic changes and interim changes. For the first several months after the ceiling controls were put into effect, the only regular periodic changes were those required by law with respect to the civilian forty-niner allotments. During later months, however, a system of quarterly changes was placed in effect, and the less emphasis was accorded to interim changes. The reasons for the shift of emphasis are developed in the following paragraphs.

The changes in allotments that occurred most frequently during the early months following the inauguration of the ceiling control system were brought about as the result of field surveys of the WDMB field sections. After the receipt and analysis of a group of survey reports, the main Board followed the practice of preparing a summary report which would be forwarded to the Chief of Staff under cover of a staff memorandum recommending appropriate adjustments (usually reductions) in the ceilings for the particular Army force. This method of operation served the purpose fairly well so long as the work-load of the force was not increasing in any major respects.

After the ceiling control system had been in operation for some time, however, the pinch began to be felt and some of the more important work-loads began to increase. For example, some of the supply and hospitalization functions of the Army Service Forces grew larger as troops were deployed overseas; the emphasis on larger type of aircraft produced a larger training load for some elements of the Army Air Forces; and the need for larger numbers of infantry replacements weighed heavily on the Army Ground Forces. These increased needs began to be reflected in frequent requests for increased personnel ceilings. At the same time, however, other work-loads, such as housekeeping functions for troops in the zone of interior, were decreasing, and the requests for increases seldom took these decreasing loads into account.

Accordingly, the WDMB instituted a system of quarterly estimates of personnel requirements. This system provided for the submission, by each of the agencies receiving allotments, of a standard "estimates" form to the WDMB well before the beginning of each quarter in support of the agency's request for ceiling changes. This standard form provided for a breakdown of the estimates according to the same types of activities recognized for purposes of the monthly reports of authorizations and strengths. For each such

group of activities, there was shown the current strength, the current work-load, the current authorization, and the requesting agency's estimates of work-load and personnel requirements for the coming quarter. Space was also provided for the entry of the WDMB's estimates in juxaposition. The personnel strengths and estimates were also broken down by the same types of personnel for which ceilings and subceilings were provided.

In making its own independent estimates of personnel requirements, the WDMB made use of several kinds of data as follows: (1) all supplementary explanations and justifications submitted by the requesting agency in support of its estimates; (2) ratios of personnel requirements to workload as developed from recommendations of WDMB field sections during the course of surveys of particular types of activities (for example, if a representative number of surveys of general hospitals have been made and a total of 36,500 persons recommended to care for 50,000 patients, it is apparent that a ratio of 73 persons per 100 patients may be used in checking the reasonableness of the quarterly estimate); and (3) ratios of personnel to work-load as developed on a trend basis from the monthly reports of strength and work-load. The use of quarterly estimates of personnel requirements thus enabled the WDMB to consider decreasing work-loads as well as increasing others and to strike a net balance in adjusting the personnel ceilings. Interim changes in ceilings were still made, although less frequently, to provide for major changes in work-load not foreseen at the time the quarterly estimates were made and to effect inter-force transfers.

V. FIELD SURVEYS

Method of Conducting Surveys. Field surveys were conducted by survey teams operating under the WDMB field sections. These teams were under the direction and supervision of the heads of the field sections. The senior officer of the team was usually in direct charge of the survey. The survey teams usually comprised two or three officers, although in a few cases surveys were conducted by only one officer. In many cases, the survey teams were accompanied by officers representing the commanding general of the Army force or the commanding general of the subordinate field command, or both. Surveys usually required from four to twenty-four man-days, depending on the size of the activity being surveyed and on the

nature of the operations involved, although some few surveys consumed more, or even less, time.

The broad work program under which the surveys were conducted was laid down each quarter by the main Board after taking into account the advice and recommendations of its staff sections. This program specified the types of activities, and often the individual activities, to be surveyed; contained estimates of the personnel required for survey team work in each field section; provided for transfers of personnel among field sections; outlined the types of survey instruments (report forms, yardstick guides, etc.) to be used; and initiated the making of the necessary arrangements with the major forces and subordinate field commands, the activities of which were to be surveyed. The quarterly work programs were taken from a master work program plan that extended at least one year beyond the current quarter. This master plan, revised from time to time, provided for a calculated direction of survey effort on the types of activities for which there was good reason to believe results would be most fruitful. One of the best criteria of the types of activities to be scheduled for survey under the master plan was the lack of adequate information for use in preparing the quarterly estimates of personnel requirements.

Although standard forms were prescribed for reporting the results of surveys, the survey teams were left largely to their own devices with respect to the ways in which they conducted the actual surveys. It was expected, however, that the survey teams would make all the studies and inspections necessary to support fair and reasonable recommendations on each function carried on by the activity, and appropriate directives were issued by the president of the WDMB to this effect. On the whole, the survey reports indicated a high quality of work, including ample attention to pertinent detail and abundant application of common-sense judgment.

Method of Reporting Surveys. Standard personnel inventory and appraisal report forms were provided for use of WDMB survey teams in reporting the results of their surveys to the Board in Washington. These forms were tailored to fit each of a number of different types of activities. For example, separate survey report forms were provided for each of the following types of activities: ASF station complements, induction stations, reception centers, AGF and ASF training centers, hospitals, schools, AAF training

command activities, activities of the continental numbered air forces, activities of the air transport command, activities of the AAF technical services command, depots, staging areas, and ports of embarkation. In addition to these special forms, a general purpose form was provided for use in cases where a special form was not prescribed.

Each form was set up with lines designating the functions and subfunctions carried on by the particular type of activity. Opposite each line, space was provided for the entry of specified data in a number of columns. These data are described as follows:

1. A number of columns were provided for the entry of personnel used for each function and subfunction. The columnar breakdown provided for each type of personnel for which ceilings were set and for any other personnel being used not subject to ceilings. Examples of this latter type of personnel were prisoners of war, personnel of Italian Service Units, and trainees awaiting shipment. One column also carried the entries of the total personnel used.

2. A column was provided for the entry of work-load data, usually quantities indicative of the volume of work to be done, for each function and subfunction. For example, many work-load quantities were expressed in terms of military population served, beds occupied, tons received and shipped, numbers of trainees, square feet of floor space of buildings to be maintained, persons messed, and the like.

3. A column was provided for the entry of the numbers of persons provided under the terms of the WDMB "yardstick" applicable to the particular type of activity being surveyed. WDMB yardsticks are what might be termed standards or guides for use in judging the numbers of persons needed to perform a particular function or subfunction. These yardsticks could not be applied to individual activities without being tempered by the judgment of the survey teams; otherwise, there would have been no need for the field surveys.

4. A column was provided for the entry of the numbers of persons recommended by the commanding officer of the activity for the several functions and subfunctions.

5. A column was provided for the entry of the numbers of persons recommended by the WDMB survey team for the several functions and subfunctions.

Provision was made in a summary schedule of the report for breaking down the recommendations of the commanding officer and those of the survey team according to the several different types of personnel. Most of the report forms were reproduced on letter-

size paper. Enough copies of each report were made to provide for distribution to the WDMB in Washington, the WDMB section, the activity commander, and the higher echelons of the Army force of which the activity was a part.

Instructions issued to accompany each type of survey form specified the manner in which a report was to be prepared, the distribution to be accorded the report, the kinds of supplementary remarks that were expected in explanation of the recommendations, and various miscellaneous matters pertaining to the preparation of the report form. In addition, the instructions contained definitions of the various types of personnel to be included in the several columns of the report form and of the several functions and subfunctions listed on the lines of the form.

The survey report forms described above applied primarily to field installations. Another type of survey form was designed for primary application to headquarters type organizations. It was used for surveys of headquarters organizations in Washington during the late months of the war. The author is not in a position to judge its efficacy. An earlier edition was used with fair results in surveys of some of the activities of the Air Technical Service Commands. The same basic theory was used in the construction of this form as in the case of the forms for field activities, namely, that personnel requirements for a particular type of work should be judged in the light of the volume of work to be done. The form for headquarters type organizations differed from those for field activities, however, in the following major respects:

1. Functions and subfunctions were subdivided into a much finer breakdown in the case of the form for headquarters organizations, and, correspondingly, work-load quantities were to be measured at a much lower level. Although instructions provided for these fine breakdowns, no standard specifications as to the particular kinds of functional operations or as to the work-load quantities to be used in measuring the operations were issued, and the decision was left to the chief of the organization being surveyed.

2. In the case of the form for headquarters organizations, no standards or guides were provided to assist survey teams in judging personnel requirements.

3. Provision made on the form for headquarters organizations for the entry of personnel strength and work-load trends over a period of several months. The gathering of this information compensated in some degree for the lack of standards or guides.

There are questions in the minds of a number of individuals as to whether the personnel requirements of many of the staff type of functions carried on by a headquarters organization can, in fact, ever be measured by relating personnel to indicia of volume of work. These individuals point out that staff work differs from "production line" work in that staff work is not highly repetitive, does not flow evenly, and cannot readily be metered. Most individuals will agree, however, that a number of office operations carried on in headquarters organizations are susceptible of measurement.

Use of Survey Reports. The reports of surveys served three principal purposes, as follows:

1. As the basis of a recommendation to the Chief of Staff to adjust the ceilings of the appropriate Army force or forces. In most cases, the adjustments in total ceilings were downward, but in a few instances the ceilings on particular types of personnel were adjusted upward. The amounts of reductions in ceilings occasioned by surveys of particular types of activities varied from only a few thousand in the case of depots operated by elements of the Army Service Forces to approximately 30,000 and 40,000, respectively, in the case of ASF station complements and AAF training command stations.

2. As a means of developing over-all ratios of personnel to work-load for particular types of activities, each type taken as a whole. As mentioned previously, these ratios were used in preparing quarterly estimates of personnel requirements, which were, in turn, translated into allotment changes.

3. As a means of revising the survey instruments (report forms and yardsticks) for use in future surveys of activities of a given type.

VI. YARDSTICKS

WDMB yardsticks were developed for the same types of activities for which special survey report forms were provided. The two instruments were to go hand in hand, the former serving as rough guides for the survey teams in arriving at their recommendations entered in the latter. The yardstick standards were purposely set at levels of better-than-average good performance. Survey teams were instructed to recommend tolerances over and above the yardstick allowances where local conditions made it impracticable to operate within such allowances. Notwithstanding the roughness of these yardstick tools, they served to produce important results. Not only did they assist survey teams in recommending personnel adjustments on an equitable basis, but they also (1) made it possible

for survey teams to complete surveys in much less time than would otherwise have been possible, thus allowing a much larger survey coverage, and (2) served as an incentive for activity commanders to raise their performance levels. The yardsticks were developed through analyses of actual performance of all or most activities of a given type, by means of recommendations of staff officers with broad experience backgrounds in given operations, and through field studies of the operations of representative activities.

Yardsticks for administrative and service type functions were usually based on the populations served, as in the following two examples:

"*General Administration (Station Complements):*

a. *Definition*

Includes the post adjutant and his office force, except personnel in the postal section. Does not include personnel engaged in personnel administration.

b. *Yardstick*

Mil. pop. of post	1250	3750	7500	15000	25000	35000	45000	65000
Personnel	6	8	15	20	25	30	35	40 "

"*Military Personnel Administration:*

a. *Definition*

Includes personnel for maintaining service records, 201 files, and classification cards; for preparing payrolls, final statements, applications for insurance, allotments of pay, discharges, reënlistment, mileage vouchers, reports of change, daily abstract of morning reports, ration and strength returns, special orders, and correspondence; and for performing other normal duties of unit personnel office.

b. *Yardstick*

Military personnel served up to 4000: *1* person per 100 served.
Military personnel served, 4000 or over: *1* person per 110 served."

A number of service type functions, however, were based on factors more directly related than "population served" to the workload. The following examples are in point:

"*Post Newspaper:*

a. *Definition*

Includes personnel for publishing and/or printing the post newspaper.

b. *Yardstick*

Not to exceed *3* persons if published and printed on the post.
Not to exceed *1* person if printed off the post."

"*Laundry:*

a. *Definition*

Includes personnel for operating the post laundry or for handling and collecting laundry where work is done by contract or by another post.

b. *Yardstick*

Class of laundry	#3	#4	#5
Personnel	1 person per 5000 pieces per average mo.	1 person per 5500 pieces per average mo.	1 person per 6000 pieces per average mo.

OR

One person per 2000 population served for collecting and handling laundry if no laundry is operated by the post and laundry is done by contract or by another post."

Yardsticks for security functions were based, for different types of activities, on such factors as population, airplanes to be guarded, and space to be guarded. Security function yardsticks were among the most unsatisfactory ones to be developed because of the extremely wide variations in the conditions requiring security personnel at different activities. The tendency apparently was for activity commanders to "over-guard," particularly as the course of the war became more and more favorable. This is probably true in spite of numerous directives from various headquarters to take "calculated risk" and in spite of large reductions in security personnel. The difficulty lay in defining "calculated risk" and in gainsaying an activity commander's interpretation of what constitutes such risk. Satisfactory yardsticks were developed for fire protection.

Yardsticks for training functions were commonly based on such factors as number of trainees, student-hours of instruction, and flying-hours of air instruction. The following examples are representative:

"*Plans and Operations Office (Replacement Training Center):*

a. *Definition*

Includes the Center S-3, or director of training, his assistants, office personnel, drafting section, and personnel for the preparation and

distribution of large charts, large scale maps, models, and other visual training aids.

b. *Yardstick*

Number of trainees	2500	5000	7500	10000	15000	20000	40000
Personnel	8	10	13	14	23	24	35 "

"*Air Instruction—Fighter (Combat Crew Training):*

a. *Definition*

Includes flight commanders and pilot and instrument instructors.

b. *Yardstick*

One person per 5 students."

Yardsticks for supply functions were usually based on weights handled, modified in some cases by numbers of shipments. For some of the "retail type" supply functions at troop posts, yardsticks were based on the population served. The following examples indicate typical yardsticks for supply functions:

"*Storage (Engineer Depots):*

a. *Definition*

Includes personnel engaged in the operation of depot warehouses and other storage areas; assignment of storage space; receipt, checking, assembling, storing, packing, crating, and loading of supplies for shipment; taking of class, special, and complete inventories; operation of a labor and equipment pool; the care and preservation of supplies (other than mechanical equipment) in storage; storage administration; and rewarehousing. The personnel allowances are based on total tons handled and average weight of package (total tons times 2000 divided by number of packages received and shipped) during latest month or average per month during past three months, whichever is higher in personnel allowance.

b. *Yardstick*

Total Tons Handled Monthly	*Personnel by Average Package Weights*			
	Less than 100 lbs.	*101–200 lbs.*	*201–500 lbs.*	*Over 500 lbs.*
Less than 10,000 tons	35	30	20	20
10,001– 30,000 tons	25	20	15	15
30,001– 50,000 tons	15	15	10	10
50,001–100,000 tons	15	15	10	10
Over 100,000 tons	—	—	—	—

Plus 100% for tons received and shipped through bin, broken package, and unit assembly.

Plus 50% for tons received and shipped through multi-storage."

"*Quartermaster Property (Station Complements):*

a. *Definition*

Includes personnel for requisition, storage, issue, and classification of quartermaster property; for clerical work in connection with processing property transactions; and for operation of sales store. Does not include personnel for purchasing and contracting.

b. *Yardstick*

Mil. pop. served	1250	3750	7500	15000	25000	35000	45000	65000
Personnel	8	15	30	50	70	90	110	130 "

Although some yardsticks for functions relating to the maintenance of *matériel* were developed, the field was not covered in a comprehensive way due to the multiplicity of types of items repaired and the varying types of maintenance operations performed on individual items. Yardsticks for functions relating to the maintenance of post buildings and grounds, on the other hand, covered the field fairly well. A sample of the latter type is shown below:

"*Carpenter Shop (Post Engineer):*

a. *Definition*

Includes carpenters, plasterers, bricklayers, and stone masons.

b. *Yardstick*

Sqft. (millions) of floor space of buildings in use	1	2	3	4	5	6	7	8	9
Personnel	16	23	31	36	42	48	53	56	60"

The examples set forth above are chosen from among yardsticks for literally hundreds of functions and subfunctions. Among the important types of functions of which no special mention has been made above are induction, reception, personnel processing, staging, hospitalization, messing, special, religious, and morale services, transportation (including air transport), and aircraft servicing and maintenance.

VII. MISCELLANEOUS WDMB WORK

In addition to carrying on the work outlined above, the War Department Manpower Board was, at one time or another, engaged in the following tasks:

1. Conducting surveys of personnel utilization in the communications zones of two different theaters of operations. These surveys were accomplished in the case of one theater by detailing WDMB field section personnel to perform the task and in the case of the other theater by detailing field section personnel, certain personnel of the Washington offices, and the president and one member of the Board to the work in the theater.

2. Administering personnel subceilings pertaining to the geographical area of the Military District of Washington. These subordinate ceiling controls were established at the instance of the Chief of Staff and reflected his desire to limit and control the numbers of persons (military and civilian, operating and non-operating) used by the War Department in and around Washington.

3. Serving as the official agency of the War Department for the purpose of dealing with the Bureau of the Budget with respect to ceilings established for white-collar civilian employees as provided by law.

4. Participating in the work of a special committee appointed by the Deputy Chief of Staff to study personnel accounting and reporting problems for the Army as a whole and to recommend appropriate accounting, reporting, and control procedures.

5. Studying the need for and recommending appropriate grades for military personnel in the War Department Groups. Only the surface of this work was scratched, however, since the WDMB had only one officer to assign to this rather formidable task.

6. Assisting certain of the General Staff agencies with problems lying within the scope of their functions, but which related to manpower utilization.

7. Serving as arbiter between ASF service commanders on the one hand and commanders of field force units in training on the other, for the purpose of determining the extent to which the latter should furnish personnel to assist the former in performing housekeeping tasks.

VIII. CONCLUSION

From June, 1943, to the end of the war, the number of persons used to operate the zone of interior establishment decreased by some 400,000. Even though credit for this remarkable record must be distributed among many agencies, the statistic is at least some

measure of the achievement of the War Department Manpower Board. No small measure of credit, however, should be accorded the personnel utilization agencies and the control agencies of the headquarters and field organizations of the major Army forces.

The WDMB's system of personnel accounting and ceiling control was effective. Its program of field surveys provided the ammunition needed to balance personnel requirements with the work to be done. Its yardstick guides helped make it possible to cover a wide field of activities with a small staff in a relatively short time. Its mission, to date, has been accomplished in an impressive and practical manner. Its future status, at the time of this writing, is somewhat uncertain.

THE LIBERALISM OF SENATOR NORRIS

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Senator George W. Norris was a doggedly righteous man who never stopped battling for the Lord and the common people in a world of sinful men. His long political life, which included seven years as a district judge in Nebraska, ten years in the national House of Representatives, and thirty in the Senate, was a grim and sustained bout with what he regarded as the forces of evil. He tilted his lance against dishonest and corrupt men, political schemers, monopolies and "special interests," religious and racial bigots, lobbyists and other special pleaders, the "power trust," and the superheated zealots of partisanship. His autobiography,[1] so long awaited, bears ample witness to the fact that for him life was real and earnest, and usually somewhat sad and despairing as well. But it had its rewards, for Senator Norris was a reflective man, and out of the bitter juices of human experience he always managed to distil a residue of homely moralistic wisdom. He learned that democratic government is pretty largely a process of compromise, and that in that process one must give as well as take. He also learned that, with enough courage and persistence, virtue is often rewarded, and that in the long run the masses of ordinary people can be trusted to reach tolerably reasonable conclusions. There were many disappointments in his life, and a great deal of heartache, but there were also many triumphs, and the net impression of his book seems to be that he felt his life had not been spent in vain. He was richly

[1] *Fighting Liberal; The Autobiography of George W. Norris* (New York: The Macmillan Company. 1945. Pp. xv, 419. $3.50). Senator Norris completed the dictation of his memoirs eight weeks before his death. The manuscript was edited and seen through publication by his old friend, Mr. James E. Lawrence, editor of *The Lincoln Star*, who contributed a brief introductory essay to the book. Senator Norris remarks in his prefatory acknowledgement that Mr. Lawrence, whom he regarded as "one of the ablest editorial writers of the country," was largely responsible for inducing him to undertake the writing of his autobiography, and greatly assisted him in the gathering and arrangement of materials.

There are two full-length biographies of the Senator: Alfred Lief, *Democracy's Norris; The Biography of a Lonely Crusader* (New York, Stackpole, 1939), and Richard L. Neuberger and Stephen B. Kahn, *Integrity; The Life of George W. Norris* (New York, Vanguard Press, 1937). A good short sketch will be found in J. T. Salter (ed.), *The American Politician* (Chapel Hill, University of North Carolina Press, 1938), Chap. IV, by Claudius O. Johnson.

entitled to this feeling, for it will be conceded generally that he had been a very useful public servant indeed.

Informed students of American government are pretty well aware of the causes to which Senator Norris devoted his strength and his considerable parliamentary talents, and of the general framework of thinking which contained them. His views on public questions are spread over countless pages of the *Congressional Record*, and are scattered about in numerous articles in a host of periodicals. The Senator performed a most useful service, however, in pulling together the main facts of his career in an orderly fashion within the covers of a single volume. Here he describes his leading political battles and his views on public questions. He also gives the reader a glimpse into his personal life and the influences surrounding a hard and impoverished childhood on a Midwestern farm. As everyone familiar with his writing style already knows, Senator Norris had no particular literary talents, and no one can really say that this book is great literature. Yet, in spite of its ponderous style and poverty in adjectives, the reader's interest is sustained throughout, and it has a number of highly dramatic sections, such as those dealing with the celebrated struggle against Cannonism, the 1917 filibuster of the ship bill by the "twelve wilful men," and the fight for TVA. After all, Senator Norris was an important figure during an important half-century of American history. The story of his life is an indispensable chapter in that history, and we are all indebted to him for telling that story in his own way with his own pen.

Some of the personal characteristics generally associated with Nebraska's distinguished senator stand out clearly in the pages of this autobiography: his courage, his willingness to run the risks of unpopularity, his independence of mind, his stubbornness and patience, his innate sadness, his indefatigable industry, his devotion to the call of conscience, his genuine sympathy for the underdog, his faith in the essential goodness of the average man, and above all, his faith in the destiny of a democratic and liberal America. He was never too proud to fight when he felt that there was a cause at hand worth fighting for—and there was always an abundance of such causes—even though the preponderance of power seemed to be against him. And the very length of his congressional career made it possible for him to lose many battles and yet win many wars. The very long and arduous campaigns he fought for such reforms as the Lame Duck Amendment (which he had to pilot through the

Senate six times, a not inconsiderable achievement,) the TVA, the unicameral legislature, rural electrification, and the Norris-La Guardia (yellow-dog contract) Act, enabled him to see the political process in some proper perspective, and to exercise the qualities of patience, industry, and persistence with which he was so well endowed.

Finally, these reflections, written out in the sunset of retirement, far from the tumult and tension of the nation's capital, indicate an almost incredible degree of objectivity in the discussion of those men who had opposed him on so many occasions, and who had fought him with so much bitterness. He has a good word to say for almost everyone. "I have no bitterness in my heart," he writes. "I have no ill will towards any man" (p. 403). Even so, he was not beyond personal rancor, as in the case of his relentless pursuit of those who had any part in the disgraceful "Grocer Norris" episode of the 1930 senatorial primary in Nebraska.[2] His searing denunciations of the "power trust" to the very end of his life (of which more later) also suggest that he was capable of nursing a grudge. Norris was essentially kindly and mellow, and he was very often discouraged and disillusioned, but he was always a fierce protagonist of righteousness.[3]

I. THE YOUNG NORRIS

The opening chapters of this book of memoirs deal with the family and childhood of Senator Norris, and it is here, among the intimate details of the child and young man, that one finds some explanation for the qualities which he exhibited later in the active theatre of high politics. His father was a poor farmer who cultivated eighty acres of stumps in the "Black Swamp" country of Sandusky county, Ohio, not far from Lake Erie. He records that both his father and mother were uneducated, and that it was "with great

[2] For a lively account of the "Grocer Norris" incident, see Charles A. Beard, "Conservatism Hits Bottom," *New Republic*, Vol. 68, pp. 7–11 (Aug. 19, 1931).

[3] William Allen White once noted, with his customary shrewdness of insight, that Senator Norris was "a brave, honest man in public life who never compromised with himself and so had no temptation to dally with ambition or treat with his enemies. His career, by its very monotony of selflessness, lacks climax, and except as a study in a monotone of decency, it has no drama. . . . When Norris went to the Senate, he took with him a profound conviction that government is something more than a policeman. His senatorial career has been based upon the theory that government is a policeman and a social worker with a talent for super-engineering and a lust for justice." *Saturday Review of Literature*, Vol. 16, p. 5 (July 10, 1937).

difficulty that they wrote their names" (p. 3), although both were able to read, and his mother found her greatest pleasure in reading. When he was three years old George lost his father, and accordingly his memories of home life center around his mother, a grim, hard-working frontier woman with heavy family responsibilities. He writes of her: "I never heard a song upon the lips of my mother. I never even heard her hum a tune. Years later I understood why those years robbed her of the song of motherhood which has come down through all the ages. . . . She was a confusing mixture of sternness, gentleness, and strength of will and purpose. She had borne twelve children, and had buried three of them. When the harvest required it, she had taken her place in the field. . . . She had spun the cloth, and had made the clothes. . . . She was a woman of great, simple faith: a faith so strong and so indestructible that it sustained and comforted her through all the years of a long and useful life. . . . Among my most vivid recollections of my mother is of her sitting straight and rigid in a chair, reading to us from the only book in our home, the Bible. Each year she read the Bible through. On Sunday afternoons she would gather us to her side and, opening the worn pages, read for hours. It never seemed strange that, devoted Bible student that she was, she was not a member of any church" (pp. 11–12). In this connection he takes special note of the fact that later one of the first books that came into his possession was John William Draper's *The History of the Conflict between Religion and Science*, which apparently made a considerable impression upon a young mind troubled by the religious fundamentalism of his community.

Norris recalls one particular incident about his mother which is especially revealing. One spring afternoon he was helping her plant a seedling, and in the warmth of the day he noted the beads of perspiration on her tired brow.

"So I said to her: 'Why do you work so hard, mother? We now have more fruit than we can possibly use. You will be dead long before this tree comes into bearing . . . .'

"Her answer was slow to come, apparently while she measured her words. 'I may never see this tree in bearing, Willie,' she said, 'but somebody will.'

"That was the unselfishness of the frontier era. Its thought was not solely of itself . . . . Its planning was not only for the present but the future. So many times in the battles in Congress, particu-

larly in the fights relating to the conservation of natural resources, my mother's words that late spring afternoon came to my ears" (pp. 18–19).

The young Norris was reared in the grinding poverty of a small Western farm. He had very few comforts, sleeping in an "uncarpeted, unfinished, unheated" loft with wide cracks between the shingles through which the snow drifted in during the winter. It was a hard life and he worked hard from a very tender age. But this life was not without its pleasures. He played the accordion, his first one having been paid for with five and a half bushels of hulled hazelnuts, which in terms of human labor was a staggering price indeed. He recalls that the first tune he played was "Jesus, Lover of My Soul." He also revelled in the multiplication table contests and spelling bees at the country school. Above all, he enjoyed his debating society, which discussed such topics as: "*Resolved*, That water is more destructive than fire," "*Resolved*, That Grant was a greater general than Lee," "*Resolved*, That man is a free moral agent," and questions touching upon the constitutionality of Lincoln's Emancipation Proclamation and the legal right of a state to secede from the Union. On one occasion he proposed the question, "*Resolved*, There is more pleasure in living with a neat cross woman than with a good-natured slouchy one," and since he alone was willing to defend the slouchy type, the future senator was given all the time he wanted for argument and rebuttal and won the unanimous vote of the three judges. He also notes that it was in connection with the debating society that he became deeply interested in mastering the intricacies of parliamentary procedure. He was of the opinion that this was "one of the best educations of my life. It gave me an understanding of parliamentary technicalities and of human nature itself that later became of great value in congressional battles" (p. 27).

The impact of hard work on a frontier farm, plus Biblical teaching in the home, plus spelling bees and debating societies, upon the body and mind of man is familiar to students of American civilization. In retrospect, the Senator recalls that this sort of life had its important moral values. "There on that farm," he writes, "I lost all fear of poverty. I learned to live most simply, and I learned to get a great joy out of work. It never occurred to me in those years that the lack of money was of any consequence. I grew up to believe wholly and completely in men and women who lived simply,

frugally, and in fine faith. I learned that fear was inspired in men and women who could not reconcile themselves to the possibility that hardship and sacrifice might confront them in battling for the right. Unconsciously there developed in that pioneer Ohio region a great respect for justice and a great sympathy for the oppressed. As a boy, I saw with my own eyes the struggles of a democracy where the first problem is not protection of the strong and the powerful, but instead encouragement and inspiration for the weak and the unfortunate. In the organization of the life of this democracy, and in the development of its conceptions of social justice, it has seemed to me, is the spirit of America" (p. 8).

The opening chapters of the autobiography also suggest some explanation for the underlying sadness and pessimism of Senator Norris which were so readily apparent to those who knew him and which seemed to stand out even in his photographs. For his early years were not only years of great poverty and extremely hard work; they were filled with personal tragedies which rather obviously left their mark upon the grown man. He recalls vividly the death of his father, after he had exerted himself most strenuously to stop a runaway team of horses on a cold day. He also tells the story of how his first child, a boy, was born dead seven days after an unfortunate accident occurred when his first wife was riding in a buggy. Then, his first wife died five days after the birth of their third daughter, and for about three difficult years he was a widower with three little children to look after. It was during this time that Norris became very ill, suffering from some sort of nervous disorder and an acute attack of erysipelas, and he says that at this time he wanted to die. And then, several years after his second marriage, his wife gave birth to twin boys. "During that night of bitter struggle," he writes "her life hung precariously, but just before daylight the word was brought home my wife was safe; and it was followed by the news that the twins had died. It was a shadow that never lifted completely from us" (p. 86). The marks of a hard pioneer life and personal misfortune never left the Senator during his lifetime.

II. THE UNDERLYING PURPOSE OF DEMOCRACY

Senator Norris must have felt that the title of his book, *Fighting Liberal*, was the key to his personality and also a summary of his political career. Nevertheless, the meaning and content of liberal-

ism are nowhere defined in general terms. The nature of his liberalism is therefore to be deduced more from what he did than from what he said. He does commit himself to one generalization, however, in his remark that the chief concern of a democratic government is "to protect the helpless, the weak, and the poor from exploitation by the strong." For "in America under a capitalistic system, resting upon democratic institutions of government, for more than a century the chief concern has not been infringement by the masses upon the rights of the rich, the powerful, and the strong. They have taken care of themselves." And he added: "In the main, the fight has been against the consuming ambitions, both for power and for wealth; the greed and avarice of individuals and groups for wealth; the injection of privilege, favoritism, and discrimination in national policy. It will be recognized generally that those forces represent the greatest danger which American faith has faced" (p. 402).

It is clear that Norris had an old-fashioned utilitarian theory about the basic objective of democratic government, which is the attainment of the greatest happiness for the people as a whole in this life. Writing in 1938 on the meaning of democracy, he stated that a successful government "means a government of home owners; it means that farms shall be tilled by men who own the land; and it means that they shall have a recompense, fair and honest, to pay them for their toil, while they are producing the food we eat and the clothing we wear. It means that the laborer must receive a fair compensation for the products produced by the sweat of his face, and in addition he must be able to lay by enough to care for him in comfort and peace in his old age. It means that property must be satisfied with a smaller percentage of the product. It means that those who labor must have more leisure time; they must be better educated; they must spend more time at their firesides, enjoying the association of their wives and their little ones."[4]

It is clear that Senator Norris accepted the basic social and political pattern of our American civilization pretty much as he found it. He revealed no interest at all in the fancies of dialectical materialism and the romanticism of the class struggle, and he was certainly not a revolutionary. Shortly before his death he expressed the opinion that "fundamental reforms can best be achieved by peaceful and lawful methods," and that this belief is "the founda-

[4] "What Democracy Means to Me," *Scholastic*, Vol. 32, p. 29 (Mar. 19, 1938).

tion-stone of democracy."[5] Democracy to him was a procedure for gradual though steady social change by the peaceful methods of discussion, persuasion, and voting.

III. THE LEGISLATIVE PROCESS

Beyond this broad utilitarian concept of social justice as the objective of democratic government, Senator Norris's political philosophy was expressed in *ad hoc* fashion as major questions of public policy arose from time to time. One of his major interests, as a legislator, was the improvement of the legislative process. In this connection, at the very beginning of his career in the House of Representatives he fought the domination of Congress by the party machine, even though it was the machine of his own party. He made his first great bid for national recognition when he led the fight against Cannonism, and it is with obvious relish that he retells in his autobiography the familiar story of the strategy of that fight (Chap. 13). The "unhorsing of Speaker Cannon," as he puts it, was no mean achievement. Another major legislative reform, familiar to all beginning students of American government, and for which Senator Norris was largely responsible, was the Lame Duck Amendment. It is of interest to note that the Norris resolution, in its original form, called for the abolition of the electoral college and the direct election of the President by the people, but he was persuaded to drop this provision because the strong opposition it engendered jeopardized the chances of getting the rest of the amendment through Congress. Another major legislative reform for which Norris was primarily responsible was the unicameral state legislature, finally adopted by Nebraska through the constitutional initiative and referendum in 1934. It is widely agreed in Nebraska that he was largely instrumental in getting the people of the state to make the change. His objections to the bicameral system are consistent with his well-known views in favor of openness, simplicity, and independence of members in the legislative process. He maintained that the bicameral legislature is unnecessary since both chambers are elected by the same class of people and have the same legislative authority, that it results in a wasteful duplication of effort and facilitates the shifting of responsibility. Above all, he objected to the conference committee, the inescapable by-product of bicameralism, which sits in secret and too often rewrites the sub-

[5] "Ireland Will Respond," *Nation*, Vol. 154, p. 129 (Jan. 31, 1942).

stance of legislation, and which is the happy hunting-ground of the lobbyists for special interests. It is, he once declared, "in reality a third house," and "the most powerful one of the three" at that.[6] The Senator also insisted that the constitutional amendment provide for a non-partisan ballot for the election of legislators, taking the view that parties are formed around national and not state issues, and that the legislature would thus be freed from the influence of political bosses and party machines.

Senator Norris believed that in so far as possible the election of members of Congress should represent the direct and untrammeled expression of the will of the voters. Accordingly, very early in his career in the House of Representatives he gave his endorsement to the constitutional amendment which provided for the direct election of senators by the people. He was also an enthusiastic supporter of the direct primary, which he acknowledged was responsible for his first election to the Senate. He once explained that he favored the direct primary because he believed in the truth of the assumption upon which it rested, that "the people are sufficiently intelligent to control their own government."[7] Since he acknowledged that no system of elections can be perfect, and that mistakes can be made, he supported the idea of the recall of public officials, and on two famous occasions he offered to submit the question of the completion of a term of office in the Senate to the fortunes of a special recall election in his state. It was also important to Norris that as representatives of the people, members of Congress should vote openly on questions coming before them. He strongly disapproved of the consideration of presidential appointments by the Senate in executive session, and frequently expressed himself on the evils of secrecy in government, which he once said was one of the main factors that brought on the Russian Revolution of 1917.[8]

In the interest of a more effective electoral process, Senator Norris was very much concerned with the expenditure of large sums of money by candidates for public offices, and he took a leading part in opposing the seating of Newberry, Smith, and Vare, whose senatorial nominations he regarded as having been purchased. He quotes at some length in his autobiography from his famous speech of January 11, 1922, delivered in the Senate in connection with the

[6] "The One-House Legislature," *Annals*, Vol. 181, pp. 50–58 (Sept., 1935).
[7] "Why I Believe in the Direct Primary," *Annals*, Vol. 106, p. 22 (Mar., 1923).
[8] "Secrecy in the Senate," *Nation*, Vol. 122, pp. 498–9 (May 5, 1926). See also "Boring from Within," *ibid.*, Vol. 121, p. 298 (Sept. 16, 1925).

Newberry case, in which he held up to merciless ridicule the sale of seats in that august body. In his view, electoral victories secured by the expenditure of unreasonably large sums of money were morally tainted (Chap. 22).[9] Furthermore, the election of public officials by the people meant for Norris an election by all the people, regardless of race or color. While he was aware of the tragedy of Reconstruction politics, he also felt that through education and training the Negro is now prepared for the responsibilities of citizenship. Accordingly, he was opposed to the Southern poll-tax laws, and in one of the last great senatorial debates in which he had an important part he urged the adoption of federal legislation to invalidate such laws. It may be noted, in this connection, that he opposed the enactment of a federal anti-lynching bill, which he regarded as unconstitutional and as likely to do the Negro more harm than good by stirring up racial animosities.

Senator Norris's views on the vexing question of the senatorial filibuster are not without interest. He was certainly entitled to an opinion on the subject, having been a central figure in one of American history's greatest filibusters, and having had to sweat out a great many others from time to time. He expresses in his memoirs a strong dislike for filibusters in general. "Any man who engages in a filibuster," he asserts, "assumes a very heavy responsibility. If he succeeds in his purpose, he not only defeats the measure against which the filibuster is directed, but makes impossible any other action by the Senate." He declares that he always felt that "there ought to come a time under fair and judicial Senate procedure when useless and unnecessary talk should cease, and a majority of the Senate should be able to express its will" (p. 176).

Nevertheless, he speaks with pride of his part in the famous filibuster of March, 1917, against the armed-ship bill, which he regarded as in fact a declaration of war. Incidentally, he reveals that he was the general floor manager of that momentous parliamentary maneuver. "I have felt, from that day to this, the filibuster was justified," he declares, and he adds, quite characteristically, "I never have apologized for the part I took in it. The object we sought

[9] In an article urging the people of Pennsylvania to vote against Vare, the Republican candidate, he wrote: "If elections are controlled, through the manipulation of machine politicians and political bosses, by the use of immense quantities of money, the result is the same as if they were determined by military force at the point of a bayonet. Self-government ceases to exist." "The Pennsylvania Patriot's Duty: Elect a Democrat," *Nation*, Vol. 123, pp. 28–9 (July 14, 1926).

to obtain was accomplished. Those of us who had become associated together honestly believed that, by our action in that struggle, we had averted American participation in the war." This is, of course, inconsistent with the view that after reasonable debate the majority ought to have its way. Furthermore, nothing much was in fact accomplished, since President Wilson proceeded to arm the merchant marine anyhow, and within a few short weeks war was finally declared by Congress.

Even though he admits participation in this and other filibusters, Senator Norris indicates that he favored the clôture rule adopted in the special session which followed the fight on the ship bill. In fact, he would go still further in limiting debate, especially after a question has been discussed for some time by the Senate. He expresses the opinion that in the closing hours of a session the Senate would be justified in invoking clôture by a simple majority instead of a two-thirds vote (p. 183). He recognized, however, that one of the advantages of the Senate over the House was its greater freedom of debate, and he was unwilling to go so far as to adopt the House rules of debate for the Senate.[10]

On the age-old question as to whether the elected legislator should consider himself a delegate of those he represents or whether he is entitled to consider himself a free agent, Senator Norris had pronounced opinions. If the member of Congress is faced with the choice of following what he believes to be the majority sentiment of his district, on the one hand, and obeying his own conscience, on the other, even when in doing so it appears that he is voting against the wishes of a majority of his constituents, "I have thought conscience was the guide." Otherwise, he observed, "a member of Congress giving weight to expressed public sentiment becomes only an automatic machine. If that is the line of duty of a member, then Congress requires no patriotism, no education, and no courage. All a member has to do, if he does follow that which he believes to be the will of his constituency at all times, is to attempt to take such action as will bring him the most votes in the next election." And he added: "In the end, the only worth-while pay in congressional service is that which comes from a satisfied conscience in the knowledge that you have done your duty as God gives you light, regardless of the effect it may have upon political fortunes" (pp. 198–9).

[10] "Mr. Dawes and the Senate Rules," *Forum*, Vol. 74, pp. 581–6 (Oct., 1925).

The situation of the legislator, however, is not quite so simple. A more sophisticated analysis of this problem would suggest that upon many questions the legislator has no choice but to follow his own conscience or use his own best judgment because no public opinion of any consequence may exist with reference to them. Thus, it is somewhat of an unreal dichotomy to say that the legislator necessarily has to make a choice between his capacity as a person of conscience and his capacity as a representative, since he has plenty of chances to do both, and on many occasions these potentially competing claims coincide. Furthermore, the success with which Norris was reëlected over and over again to high public office, in the teeth of the bitterest sort of organized opposition, suggests that following conscience and vote-getting are not necessarily antithetic to each other. While a legislator may run counter to the opinion of his constituents on certain questions of policy, he may at the same time satisfy their desire to be represented by an honest, courageous, and conscientious man. In this sense, at least, the legislator may be truly representing an important element of the permanent will of the voters, even when on specific issues he refuses to go along with their views and desires. Much of Norris's success rested upon the rather simple fact that honesty pays after all.

IV. THE EXECUTIVE AND THE JUDICIARY

Senator Norris was a protagonist of efficient and democratic executive government. In the interest of greater democracy, he advocated the abolition of the electoral college system and the direct election of the President by the people. Early in his career in Congress he supported a constitutional amendment which would have limited the President to a single six-year term of office. (At the same time, he favored extending the term of office of members of the House of Representatives to four years.) He later realized that it would be impossible politically to secure approval of a constitutional amendment abolishing the electoral college system as a whole because of the way in which it distributes electoral votes among the states. In 1934, he vigorously sponsored an amendment, however, which would at least abolish the formality of the electoral college without changing the distribution among the states of real voting power.[11]

[11] His leading speech on this subject was delivered in the Senate on May 16, 1934. *Cong. Rec.*, 73rd Cong., 2nd Sess., Vol. 78, Part 8, pp. 8935–54. He declared that "the electoral college is like a fifth wheel to a wagon. It is useless, and everybody wants to get rid of it."

In the interest of greater administrative efficiency, Senator Norris was a lifelong exponent of the merit system. In fact, his maiden speech in the House, delivered on January 13, 1904, was a defense of the Civil Service Commission. He asserted: "I am so thoroughly imbued with the idea of the righteousness of civil service and the Civil Service Commission that I am impelled to raise my voice, weak though it may be, in defense of that law." It is no argument against the law or the Commission, he argued, that dishonest or corrupt men manage to secure public offices. One might as well repeal the laws against murder because murders are still being committed in spite of them. "I am in favor of civil service law, because it takes from partisan politics, and from all the evils that come from that, the appointments to office."[12] Norris was likely to be pretty severe with the leading patronage dispensers, whether Republican or Democratic, and took little interest in getting patronage for himself. He regarded patronage as a method of promoting party subserviency and crushing the spirit of independence as well as opening the door to inefficiency. The abuse of patronage he believed to be one of the great evils of American public life. He writes that when he was denied patronage because of his embarrassing insurgency he was happy to be freed from its burden, and he notes with pleasure the steady march of the merit system in the federal administrative structure. He speaks with pride of the fact that he was instrumental in keeping the Rural Electrification Administration and the Tennessee Valley Authority free from the incubus of party patronage. "If attempts to mix politics with electricity succeed, two great benefits which have come to the American people will be jeopardized" (p. 326).

Senator Norris has little to say about the judiciary in his autobiography, surprisingly little when one recalls the positive views he entertained on the subject and the many struggles he participated in over the confirmation of judicial appointments. He devotes a brief chapter (Chap. 14) to the impeachment of Judge Archbald, but he deals with it largely as a human interest story. He also recalls, rather wryly, that the fights in which he participated over the nominations of Stone and Hughes to the Supreme Court "reflected no credit," and he seems to suggest that in these cases he had been mistaken. Indeed, he confesses that in opposing Stone so strenuously he had committed an "unintentional wrong." The Senator was ill when the controversy over the court-packing bill

[12] *Cong. Rec.*, 58th Cong., 2nd Sess., Vol. 38, Part 1, p. 728.

was at its height in 1937, but he suggests that while he sympathized with its general objectives, some phases of it he did not like at all. In fact, he took the position that tinkering with the number of judges did not meet the problem, since there was no way to control the votes of judges after they are appointed to the bench.

Senator Norris was keenly aware of the inescapable connection between a judge's decisions on constitutional questions and his economic and social predilections, and he watched judicial appointments with an eagle eye. Thus, he opposed the appointment of James C. McReynolds in 1914, and on the other hand defended Wilson's appointment of Louis D. Brandeis. He took a leading part in the fight against the confirmation of Pierce Butler, a Minnesota railroad attorney, and also against that of Judge John J. Parker of North Carolina, who was opposed by the Negroes and organized labor. His principal objection to Stone's appointment in 1925 was that he had been a partner in a law firm which had done work for J. P. Morgan, for "Wall Street" was anathema to the prairie philosopher. His objections to Hughes were largely centered around the fact that Hughes had represented many wealthy corporate clients in litigation before the Court.

The Senator's pet proposal for reducing the evils of judicial review was to require, by statute, that two-thirds of the judges of the Supreme Court concur in invalidating an act of Congress. Soon after the invalidation of the NRA in the Schechter case,[13] he introduced a bill requiring such a majority and also providing that a suit testing the validity of an act of Congress must be brought within six months after the statute had gone into effect. He made his major speech on the subject on Lincoln's birthday, February 12, 1936, soon after a divided Court held the AAA unconstitutional in the Butler case.[14] In this address on "Legislation by the Judiciary,"[15] he denounced the Butler decision as being, in fact, "an amendment to the Constitution; but that is not a new thing. The Court has amended the Constitution before. In fact, the Supreme Court now, in effect, for all practical purposes, is a continuous constitutional convention." In this connection he made the oft-quoted remark that "the people can change the Congress, but only God can change the Supreme Court." And he went on to say: "The

[13] Schechter v. United States, 295 U.S. 495 (1935).
[14] United States v. Butler, 297 U.S. 1 (1936).
[15] *Cong. Rec.*, 74th Cong., 2nd Sess., Vol. 80, Part 2, pp. 1882–7.

members of the Supreme Court are not elected by anybody. They are responsible to nobody. Yet they hold dominion over everybody." He thought that the Court had expressed a political opinion merely in invalidating the farm bill, quoting with approval Justice Stone's remark in the dissenting opinion: "For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government." He squarely disagreed with the Court's notion that the regulation of agricultural production is a local affair, arguing that every child in the public schools knows that it is actually a national question of the greatest importance. And if, as the Court asserted, the regulation of agricultural production by Congress is unconstitutional because the subject is not mentioned in the Constitution, then he went on to point out that judicial review is also unconstitutional, because it is not mentioned in the Constitution either. "Hence, when the Court indulges in that pastime, it is itself violating the Constitution according to its own words." Senator Norris was of the opinion that it was within the power of Congress to require an extraordinary majority of the Court, and that such a reform was supported by the established canon of interpretation according to which statutes should not be invalidated unless clearly unconstitutional beyond a reasonable doubt.

V. PARTIES AND PARTISANSHIP

The Senator's well-known views on parties and partisanship are set out in his autobiography in considerable detail. He began his career in the House as a devoted and, it would seem rather naïve, Republican. The second speech he made in the House, in 1904, was devoted to the subject of rural free delivery, and in it he traced a strong connection between the virtues of the rural fireside and those of the Republican party.[16] But apparently in this respect he learned quickly, for his essential impatience with party discipline soon asserted itself. He was an insurgent during many years of Republican supremacy, and was finally elected to his last term in the Senate as an independent. His general view of our two great parties seems to have been, "A plague on both your houses." He became firmly persuaded, he writes, that "there is in reality no difference between a Republican political machine and a Democratic political machine. Gradually it came to me that the evil in

[16] *Cong. Rec.*, 58th Cong., 2nd Sess., Vol. 38, Part 4, pp. 3253–8, Mar. 14, 1904.

American life, the corruption that takes its toll of the American people, uses political parties for its convenience" (p. 371). He was convinced that the corruption in his own party was as great as that in the opposition party, and that their methods and purposes were the same. Accordingly, he ignored party lines during most of his Congressional career, doing such unusual things as campaigning for the Democratic candidate for the Senate in Pennsylvania on one occasion, and supporting Al Smith in 1928 and Mr. Roosevelt beginning with the 1932 election.[17] Since he had little faith in parties in general, he looked upon the organization of a third party with a skeptical eye, and always refused to assume the leadership of a new party.[18]

Many students of American institutions, including equally honest and sincere men, have disagreed and will continue to disagree with Senator Norris on this important question. The Senator never ventured to suggest whether there would be more or less corruption and connivance in politics if we had no parties, nor did he give any serious consideration to the conditions which would prevail in the country if there were no parties at all. He never did face the question as to whether a party-dominated Congress is not superior to an unorganized, mob-dominated legislature. Nor did he take note of the fact that a Congress without party discipline would probably be an even easier prey to the special interests or pressure groups which he seemed to fear so much. While the point is certainly debatable, it has been argued with great persuasiveness that the only way to call a halt to the politics of the pressure groups is to strengthen and not weaken party leadership and management in Congress.[19] Furthermore, while one may agree that the parties

[17] Norris thought that one of the strongest arguments for the direct primary was that it tended to lower party responsibility and decrease the party spirit, and to substitute individual responsibility. "A public official," he once wrote, "should in the performance of his official duties be entirely non-partisan. . . . The country owes most of its progress to the independent voter." "Why I Believe in the Direct Primary," *Annals*, Vol. 106, p. 23 (Mar., 1923). On this point, see also "Hope for Progressives," *Nation*, Vol. 127, pp. 679–680 (Dec. 19, 1928).

[18] See his article, "Put Not Your Faith in Parties," *Nation*, Vol. 188, p. 369 (Apr. 2, 1924). "Under our electoral-college system it would cost millions of dollars to start a new party and before it was four years old it would have settled down and become as bad as the old parties. Unless its leaders were Christ-like men—in which case they would not be political leaders—its candidates would be dictated by a few bosses conferring in private, just as in the old parties."

[19] On this point, see E. E. Schattschneider, *Party Government* (New York, Farrar and Rinehart, 1942), Chap. 8. "It is not intelligent to compare the evils of partisan-

tend to become alike, it should also be noted that it is no inconsiderable matter that we do have two parties, and that there is tremendous significance in the voter's ability to choose between them. It may well be that Norris could enjoy the pleasures of being an independent only because the rest of the congressmen were willing to go along with the parties.

VI. POLITICS FOR LITTLE PEOPLE

In the field of domestic legislative policy, the Senator's sympathies were always with the little people—farmers, workers, small business men. Speaking at the dedication of a statue of Abraham Lincoln at Freeport, Illinois, in August, 1929, he focussed attention upon a central aspect of his political philosophy when he declared that the fight against slavery is by no means over. "Economic slavery," he argued, "is as great an injustice, as cruel, as any political slavery ever established by man; and if, by the combination of vast amounts of wealth, the economic and political and social functions of our race are controlled and dominated by those who own the combination, then those who are controlled are, in reality, slaves."[20] His political life was dominated by the passionate intensity with which he fought against "special interests," "Wall Street," "monopoly," and "the power trust"; he was first, last, and always an anti-monopoly progressive.[21]

In the field of national economic policy, he gave the high tariff system and the private power interests special attention. Though he began his congressional career as a high-tariff Republican, he soon learned enough about the facts of life to switch to a low tariff position, and there he consistently took his stand. He regarded high tariffs as subsidies, "pure and simple," for favored groups and classes, and as being responsible for monopolies, for the beginning of paternalism in government, and for "the most flagrant nationalism ever developed in this country" (p. 99). Senator Norris was, as everyone knows, an outstanding and persistent supporter of public

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ship with an idealized condition of Olympian aloofness inhabited by congressmen insulated against passion and greed. That is not the alternative. The real choice is between a strong party system on the one hand and a system of politics in which congressmen are subjected to minority pressures." An exception should be made for Senator Norris, but the exception does not disprove the rule.

[20] Quoted in Neuberger and Kahn, *op. cit.*, p. 253.

[21] See his speech in the Senate on "The Spider Web of Wall Street," delivered February 22 and 23, 1933, *Cong. Rec.*, 72nd Cong., 2nd Sess., Vol. 76, Part 5, pp. 4769–80.

power development, and in particular, his name will be permanently associated with TVA and rural electrification. Towards the end of his life he took great pride in the world-wide attention given to the governmental development of a whole valley area. He thought that TVAs on the Danube and the Jordan were excellent ideas.[22] In the struggle for public power he singled out the private power interests for special denunciation. "The power trust," he writes in his autobiography, "is the greatest monopolistic corporation that has been organized for private greed. The investigations instigated by the Federal Trade Commission, covering a period of years, have revealed some of the most disgraceful, distasteful, and disreputable means by which it attempted to perpetuate its control of the natural resources of the nation. It has bought and sold legislatures. It has interested itself in the election of public officials from school directors to the President of the United States. It has succeeded in placing its friends in office unbeknown to the people." Furthermore, "the fight has never ended." He warned that the power trust is still fighting the public power program of the government, and "it will continue to fight; and the people must be on guard, because it is resourceful, intelligent, and relentless." He repeats here his fundamental belief that flowing streams are a natural resource "given by an all-wise Creator to his people and not to organizations of greed. No man and no organization of men ought to be allowed to make a financial profit out of it" (pp. 160–1).[23]

Senator Norris was also deeply interested in flood control and navigation projects, and in the conservation movement generally. He did not believe that the national government lacked the constitutional power to deal with these broad-gauged national problems. So far as valley development was concerned, his position was that the task was beyond the capacities of either private interests or local and state governments. Nor did he agree with the Supreme

[22] In the spring of 1944, he wrote: "The TVA idea has gone round the world. Its fame has spread to every place where men have struggled with the problems of nature, for it is a blue-print turned into a reality. Actually, it is a very simple idea, based upon the principle of preserving the natural resources of the country." "TVA on the Jordan," *Nation*, Vol. 158, pp. 589–591 (May 20, 1944).

[23] Characteristically, he recently wrote of the fight over the Great Lakes-St. Lawrence seaway and power development that it was "a contest between human happiness and human greed." "Pattern for the Welfare of All," *New Republic*, Vol. 105, pp. 145–6 (Aug. 4, 1941). He was especially indignant about the efforts of private power companies to influence the schools. See "The Power Trust in the Public Schools," *Nation*, Vol. 129, pp. 296–7 (Sept. 18, 1929).

Court's view that agricultural production was a local problem, and therefore within the purview of the general reservation of power made in the Tenth Amendment in behalf of the states. In fact, even as a freshman representative, he expressed the opinion that Congress should have the power to regulate the insurance business.[24] While he never challenged the validity of the federal idea as a whole, he did take a pragmatic view of the problem of distributing the powers of government, and thought that the Constitution could be accommodated to the needs of a nation in dealing with national problems, and that whatever gaps there may be should be remedied by constitutional amendment. The Constitution for him was an instrument of power and not merely a symbol of restraint upon power.

Senator Norris had a Jeffersonian philosophy about the importance of agriculture in the national economy and the moral values of the agricultural way of life. During his two terms as a Nebraska district judge, he displayed a noticeable sympathy for impecunious farm mortgagors. He devoted a great deal of attention to the American farm problem, and from a very early date favored the use of federal power to dispose of farm surpluses. He was also an active proponent of the agricultural coöperative movement[25] and the development of rural electrification. He took a special interest in labor problems, and directly sponsored one great statute which bears his name and which limited the injunctive powers of federal courts in connection with labor disputes. He stoutly defended the rights to collective bargaining and to strike as being the most effective weapons at the disposal of labor. In behalf of little people generally, he always urged the principle of the progressive income tax, and took special interest in the progressive inheritance tax; for he regarded the entailment of swollen estates as a threat to the foundations of democracy itself.[26] During the Great Depression he accepted the responsibility of the federal government for relief, and consistently supported the Roosevelt relief program. He in-

[24] *Cong. Rec.*, 59th Cong., 1st Sess., Vol. 40, Part 1, pp. 509 ff. (Dec. 16, 1905).

[25] Senator Norris always believed that one of the great difficulties under which American farmers labor lies in the high cost of distributing food products, and that therefore coöperatives should be encouraged by law. "The Tariff and the Farmer," *Nation*, Vol. 123, pp. 192–3 (Sept. 1, 1926).

[26] The Senator made an exhaustive analysis of the inheritance tax in a Charter Day address at the University of Nebraska on February 15, 1935. For the text, see *Cong. Rec.*, 74th Cong., 1st Sess., Vol. 79, Part 2, pp. 2180–3.

variably voted for pensions and bonuses for war veterans. During his last year in the Senate he was extremely apprehensive over the wartime rise in prices and supported price controls and other measures designed to keep inflation in check. He solemnly warns Congress and the American people, in his autobiography, to "man the ramparts against an insidious enemy. Let inflation get the upper hand, and the American people will sow to the wind. Its danger becomes greater, strangely, with military success on the battlefields, and its danger is greatest when finally peace arrives" (pp. 399–400).

VII. AMERICAN FOREIGN POLICY

Senator Norris has by no means said the last word in stating his views of this nation's fundamental foreign policy. The outstanding feature of his career in this connection was the contrast between his intransigent opposition to American participation in the First World War and his faithful support of our rôle in the Second. A reasonable explanation of this shift would be that in the course of twenty years the Senator learned a great deal and simply changed his mind. But this is not at all the explanation he offers. He makes no apologies for his stand in 1917, and for his later opposition to our entry into the League of Nations, and he also defends his most recent position. In other words, he insists that he was right both times. His explanation is that "the circumstances were most dissimilar. In 1917, there was no immediate threat of war reaching American soil. In 1941, an act of war was committed by Japan against the United States at Pearl Harbor under the most treacherous and despicable circumstances, and the following day Germany and Italy issued declarations of war against the American people" (p. 190). But he also points out in a later portion of his book that he was strongly in favor of the Lend-Lease Bill, which in his opinion "embraced so much of the elements of inspired vision."[27] This bill was enacted long before Pearl Harbor, and was in fact our declaration of war against the Axis Powers. Senator Norris's position seems to be that the bid for world hegemony which Imperial Germany and her allies made in 1914 did not threaten the security of the United States, whereas the Hitlerian venture did directly concern us. Upon this fundamental point there is certainly room for a great deal of disagreement.

[27] See his speech of March 7, 1941, *Cong. Rec.*, 77th Cong., 1st Sess., Vol. 87, Part 2, pp. 1975–9.

The Senator makes much of the fact, in his autobiography, that five years before the outbreak of World War I he advocated the establishment of a league of nations, and delivered a great many popular lectures on the subject. Unhappily, he had only one chance as a member of the Senate to help take us into a league of nations, and on that occasion he opposed American membership. His explanation at the time for his opposition was that it would have obliged us "to maintain standing armies for the support of new and independent governments that it is intended to establish among semi-civilized people." And he added: "Such a course not only is dangerous and will in my judgment bring failure to that part of the enterprise, but it is in no sense necessary to maintain the peace of the world. The right kind of a league between nations that can be numbered on the fingers of one hand will insure a permanent peace" (p. 205). Just which "new and independent governments" for which "semi-civilized people" he had in mind, he does not discuss; nor does he indicate just why it is improper for an association of nations to be concerned with the security of such governments for such people.

The Senator also elaborates upon the reasons for his opposition to the Versailles Treaty as a whole. He confesses that at the time he said little about Germany and the possibility that it might become the focal point of another world war. At least in retrospect, with the wisdom of hindsight, he might have gone on to confess that this was a very considerable oversight. He states that he centered his attention upon the secret treaties, which he thought jeopardized the peace of the world. "And particularly I discussed at great length the partition of China to give Japan a slice of territory and the assignment to Japan of mandates over island groups in the Southwest Pacific. . . . I could not believe Japan was any purer than militaristic Germany . . . I never trusted Japan. My record of forty years in the House of Representatives and the Senate of the United States is free from the taint of racial prejudice; but I never knew whether the smile and the cultivated courtesy that covered the face and the bearing of the Japanese expressed friendliness or were only a mask" (p. 208). The discerning reader is entitled to draw the inference from this remark that perhaps Norris was not completely free from the taint of racial prejudice after all.

The Senator continues his diatribe against Japan. It is true that Japan participated in the First World War on our side. "Yet always, it seemed to me, every profession of faith and every action

Japan took was taken with crossed fingers." Japan participated actively in the war only so long as was necessary to gain control of the German possessions in the Pacific. She made no sacrifices of consequence in the war, and "it appeared to me that she was only preparing for another war to follow. . . . And Japan was a part of the League of Nations. Her heart was impure" (p. 209). Then, too, there was that "wicked, vicious provision" of the Treaty of Versailles which gave Japan control over Shantung. "I was outraged by the injustice to China. Then and there I felt the Japanese militarist had tipped his hand to the world" (p. 210). Therefore he was opposed to the Treaty. And after all these years of reflection he asserts: "I offer no apologies for my opposition to the Versailles League of Nations. My only regret is that, out of all the agony and sacrifice, nothing came to insure peace" (p. 213).

The Senator is mistaken. Something did come out of all the agony and sacrifice, *a* League of Nations. It may not have been precisely the sort of League he wanted, though he nowhere indicates just what kind of a league he really did want, except that he did not like the idea of assuming responsibilities with regard to the new governments of semi-civilized people, whatever that may mean. Still it was the only league upon which agreement was reached, and it was the only league we ever—until of late—had a chance to join. Furthermore, if in 1919 the possible aggressiveness of Japan, with the impure heart, was the major problem of world relations, then certainly the League of Nations offered the best hope of restraining that aggressiveness should occasion arise. It is also to be noted that China herself drew some such inference as this, for she very promptly joined the League of Nations. One cannot escape the feeling that as the aged ex-Senator was dictating his memoirs in 1944 he was possibly reading into his 1919 position the animus against Japan which swept the nation after the attack upon Pearl Harbor. It is difficult to avoid the conclusion, gathered from his own explanations, that Senator Norris opposed the Treaty and the League in 1919 as a provincial-minded, isolationist midwesterner who really thought of his country as a righteous country (like himself) surrounded by evil foreign countries, and fully capable of going it alone in an anarchic world. It is to his credit that on this all-important question of American public policy he changed his mind, even though he refuses to admit that this is what actually happened.

VIII. WHAT TO DO WITH GERMANY AND JAPAN

Senator Norris proposes a Carthaginian peace for a defeated Germany and a defeated Japan. They must be "absolutely and completely disarmed. . . . Manufacture of all kinds of military weapons must be made impossible by the complete destruction of every industrial factory and plant primarily devoted to war production." Indeed, we must not only destroy the factories, but also "every lathe, every piece of machinery" housed in them. The maintenance of standing armies by any of the enemy countries "must be forever and absolutely prohibited." For "a period of time," the aggressor nations must be completely supervised or policed. There should be "an international commission" to investigate any possible move to violate the treaty. There should also be available "an energetic, active, and alert police force" for immediate use to enforce the treaty. In this grim business there must be "no sentimentality, no misguided sympathies, no softness." He believes that in time the people of Germany and Japan will begin to see that life will be more pleasant when freed from the crushing burden of armaments. War criminals, of course, must be punished as a simple matter of justice. The Prussian Junkers and the Japanese militarists must be stripped of their dominant position. But in the long run the peace must be born "in a spirit of fairness, friendship, and reconciliation," and the present enemy nations "must be helped back along the road to prosperity" (pp. 379–85).[28]

The Senator is confident that if the present aggressor nations are completely disarmed and compelled to stay disarmed, the disarmament of the other nations "will take care of itself," for increasingly it will become less necessary for them to retain their own arms. He does not consider the possibility that other nations might in the future pursue an aggressive foreign policy. He seems to pin his faith in future peace on what will appear to many a rather naïve confidence in disarmament, which will inevitably broaden out from a partial to a universal disarmament. The notion that armaments

[28] In one of the very last articles he published, Senator Norris advocated the creation after the war of some sort of League of Nations, open to all countries who pledge in good faith to maintain the treaty, including Germany. This league should have force at its disposal to carry out the treaty. All nations should be admitted on the basis of equality, and the doctrine of the superiority of any race should be suppressed. We should be "the good Samaritan" in assisting a defeated Germany to get on her feet again, and the peace treaty "must be one without hate." "Germany after Defeat," *New Republic*, Vol. 110, pp. 703–5 (May 22, 1944).

are a cause of war rather than a result of a war system growing out of a world of sovereign states in anarchic relations with one another is disputed by informed students of the problem.

IX. AN AMERICAN HERO

Measured by the customary standards of success, it is clear that Senator Norris was a successful politician. He was elected to the House of Representatives five times, and to the Senate five times, usually in the teeth of the opposition of the party organization whose label he bore until his election to the Senate as an independent for his last term. His ability to serve forty uninterrupted years in the Congress as a delegate from a politically turbulent state was no mean success. Furthermore, he was ultimately successful in championing a great many important causes which are now more or less permanently enshrined in the legislative structure of the nation. He was enthusiastically acclaimed in liberal circles throughout his career, the chorus of approval rising to a great crescendo towards the end of his life.[29] Even his enemies learned to respect him for his character if not for his views, and often paid tribute to his courage and utter sincerity of purpose. The success of Nebraska's great Senator was all the more remarkable when viewed in the light of the unorthodoxy of his methods. He belonged to no church and never went through pietistic motions to secure the vote of warm religionists. The only religion he ever acknowledged was a general faith in the brotherhood of man. He refused to be intimidated by pressure groups, the *enfants terribles* of American politics, and often fought them tooth and nail. He did not play the patronage game, supposedly so essential for political success. He cheerfully fought some of the most powerful men in American life. He paid no attention to party allegiance and had the party machine on his stubborn neck most of the time. He put on none of the airs of the elder statesman, even when he became an authentic member of the genus. He always preferred to follow what he thought were the dictates of his own conscience, a course which is often regarded as poison for democratic politicians.

In short, Senator Norris went to his grave a hero. In many ways, he possessed that combination of qualities which make one a hero

[29] For example, see the speeches given by several distinguished men at a testimonial dinner in Washington December 10, 1942, on the eve of Senator Norris's retirement from public life. They are printed in Sen. Doc. 292, 77th Cong., 2d Sess.

in the American *milieu*. Just what these qualities are was admirably summarized by Wecter in his able study of the hero in American history. He wrote: "The sort of man whom Americans admire, trust, and are willing to follow can be sketched with a few lines. East and west, north and south, his portrait is familiar. At the basic level he must be self-respecting, decent, honorable, with a sense of fair play; no Machiavelli nor Mussolini need apply. He must be firm and self-confident in leadership . . . Mother wit and resourcefulness we love. But a reputation for 'genius' is unnecessary and may do the hero harm. . . . An able man must not glory in his cleverness. . . . Uncle Sam allows his favorites to be shrewd in a good cause, but there must be no avowal of cynicism in principle. . . . In America at large there is a pretty strong prejudice against the wise guy. . . . Vanity or personal arrogance in any form is taboo. The dandy in public life . . . is disliked by Americans. . . . Effeminacy is fatal. . . . The arrogance of caste is equally deadly in American hero-worship. . . . Fundamentally the hero is required to be chaste, loyal, honest, humble before duty and before God. He is apt to have a dash of Puritan conscience. . . . We believe that character is more important than brains. Hard work, tenacity, enterprise, and firmness in the face of odds are the qualities that Americans most admire, rather than originality or eloquence of tongue and pen. . . . The hero must be a man of good will and also a good neighbor. . . . The public . . . likes to think of its idol as simple in greatness. Manliness, forthright manners, and salty speech are approved. . . . Bravery, honesty, strength of character are the stuff of hero-worship. . . . The hero as made in America is a man who has the power and yet does not abuse it. He is the practical demonstration of romantic democracy. . . . More clearly than the great heroes of Europe, military and political, ours stand for a progress concept. They spring from stock that has bred schemes both wise and foolish—with its talk about the pursuit of happiness, the more abundant life, and the American Dream."[30]

If this is a sound analysis of the pattern of American hero-worship, then it can be said that Senator George W. Norris, to whom the pursuit of happiness and the more abundant life were the basic objectives of political society, was a hero in the authentic American tradition of heroes.

[30] Dixon Wecter, *The Hero in America* (New York, Scribner's, 1941), pp. 482–7.

AMERICAN GOVERNMENT AND POLITICS

OF DEMOCRACY IN AMERICA

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"There are at the present time two great nations in the world, which started from different points, but seem to tend towards the same end. I allude to the Russians and the Americans. Both of them have grown up unnoticed; and while the attention of mankind was directed elsewhere, they have suddenly placed themselves in the front rank among the nations, and the world learned their existence and their greatness at almost the same time.

All other nations seem to have nearly reached their natural limits, and they have only to maintain their power; but these are still in the act of growth."

So concludes the first volume of Alexis de Tocqueville's *Democracy in America*. Such a statement appearing in 1945 would, except perhaps for the view that the two countries "tend towards the same end," be truistic. Even the journalists would understand and accept it. It appeared in 1835. To most Europeans of that day, the United States was a crude and bumptious little nation on the western fringes of the world, just as Russia was the half-Oriental, half-feudal state which was not so much a power as a vast expanse of inhospitable steppes. At a time when English travelers were frequently aware only of the vulgarity of American manners, and when some European visitors to this country were most impressed with its picturesque qualities, Tocqueville was much more concerned with the basic nature and with the future of the complex combination of laws, customs, and mores which were embraced within his inclusive conception of democracy. He came here, not to give slightly condescending lectures and to bolster his own feeling of superiority, but rather to observe and report on the operation of a principle of political and social organization. Partly because he had an inquiring mind and was willing to work hard at his self-imposed task, but largely because he was gifted with rare insight and was not prevented from seeing the trend of events by the surface happenings of his own time, his book on the nature of American institutions remains, after more than a century, one of the few invaluable books on that subject.

Democracy in America has long been out of print, and the appearance of Professor Phillips Bradley's admirable edition[1] fills a real need. His edition is superior to any of the previous English or American editions, not only because the translation has been improved and a list of French, Danish, English, American, German, Hungarian, Italian, Russian, Serbian, Spanish, and Swedish editions appended (as well as a bibliography,

[1] Two volumes: I, pp. 434, cxii, II, pp. 401, xiii. (New York: Alfred A. Knopf. 1945. $6.00.)

which runs to 148 items, of books and articles dealing with Tocqueville's volumes), but also because of the long and thoughtful introduction. This introduction is principally valuable for Professor Bradley's analysis, but the quotations from some dozens of contemporary reviews in French, English, and American periodicals add to its interest and its usefulness.

Although many books have been written about the United States by Europeans who had been here for periods varying from a few days to many years, there is only one such work which seems of a stature to warrant comparison with *Democracy in America*. It is, of course, James Bryce's *American Commonwealth*. Where Tocqueville made but one trip to this country and remained here only nine months, Bryce knew the country from long residence and from continued and sympathetic investigation. It is scarcely surprising that Bryce's account is ordinarily the more accurate and comprehensive—if, that is, one compares them on a descriptive plane. Bryce had a far more detailed knowledge of American government and society. This is evident not only in the first volumes of the two works, concerned in each case primarily with political institutions, but also in the second volumes in which the two authors cover a wider range of institutions and folkways. Bryce's accounts of religious, educational and social customs, not to speak of his famous, and still highly readable, descriptions of the political machines in New York and Philadelphia, are in striking contrast with the rather fine-spun generalizing in Tocqueville's second volume.

But if Bryce gives a more comprehensive, as well as a more accurate, account of America as a going concern at the time of his writing, it is also true that he had less of the gifts of philosophic insight and of prophecy than Tocqueville. Woodrow Wilson, whose talents as a book reviewer have been obscured by his even greater gifts as a statesman, expressed the contrast with his usual felicity in a review of *The American Commonwealth:*

> "It will hardly be accounted disparagement of Mr. Bryce's style to say that it is inferior to de Tocqueville's; the thoughts it has to convey, the meanings it has to suggest, belong to quite another class than that to which de Tocqueville's judgments must be assigned; it is not meant to carry the illumination of the philosophical conceptions into the regions of fact which it explores; its task is rather exposition than judgment. Mr. Bryce does not feel called upon to compete with de Tocqueville in the field in which de Tocqueville is possibly beyond rivalry."[2]

Indeed *The American Commonwealth*, great book though it undoubtedly is, might be taken as a prime illustration of one of Tocqueville's generalizations, that the English are not a philosophical race, although we might not be willing to agree with him that they are even less gifted in that respect than the Americans.

[2] *Political Science Quarterly*, Vol. 4, p. 154 (1889). Quoted in Professor Bradley's introduction at page li.

There has been so much general, even uncritical, praise of Tocqueville's greatest book that it is in order to point out some of its limitations before taking up certain of the generalizations which illustrate its value for a present-day student of American civilization.

Tocqueville had little understanding of the nature of political parties in America, and gave a totally inadequate interpretation of the rôle that they play in political and economic life. The reason is evident enough. He was here in 1831, at the end of the "era of good feeling," just when the two-party system was emerging out of the prolonged period of one party factionalism which followed the death of the Federalist party. Had he come nine years later, the situation would have been clearer. He might not have found the election of 1840 an altogether admirable illustration of the processes of democracy, but he would have been able to give a more reliable account of the nature and functioning of the party system.

His justification for failing to comprehend the importance of the executive, particularly the President, is less clear. That he did not see the extent to which the President was emerging as a national leader, as well as a national symbol, was doubtless due in some part to the inability of the Whiggishly inclined men with whom he talked at such length in New York, Boston, and Washington, to comprehend that President Jackson was not just a superannuated Western barbarian who owed his position to one moment of military triumph. It is also to be remembered that the books upon which Tocqueville had to rely, Kent's and Story's *Commentaries*, even *The Federalist*, were more adequate as guides to the other branches of the government.

While his treatment of state government is not so limited as some critics of Tocqueville have been inclined to say, it is certainly not a section of the book to which one should turn for a comprehensive and accurate description of state institutions in that period. So far as it goes, it is pretty reliable, although there are some errors of fact, such, for example, as his assertion that the property qualification for voting was entirely gone; but it is decidedly lacking in detail, as well as in sweep. The discussion of local government is better in one respect. It is good so long as he discusses the town or, as he calls it, the township system, of New England. For the other states of the North it is reasonably accurate, except that there is very little about the emerging municipalities. For the South and most of the West, it is almost entirely lacking. Tocqueville's travels in the South were evidently too hurried to permit him to come to understand the nature of the local institutions there prevailing.

An omission of even greater importance is his failure to deal with the part that industrialization and rapid transportation were to play in American development. As Professor Pierson remarks, Tocqueville was

simply not interested in machines or even in material growth.[3] As I shall point out later, Tocqueville made one of his most acute observations about the nature of industrial capitalism, but the fact remains that he made no careful study of the nature of the technological revolution in American life, and his picture of America is correspondingly incomplete.

Although Tocqueville had a clear and incisive notion of the nature of slavery and of its effects upon the life and the economy of the South, and although he predicted its end, he came just too early to measure the strength of the abolitionist crusade and to see the intensity of sectional feeling which was to be developed out of that struggle. He did not, that is to say, have any conception of the growth of an irrepressible conflict, although he did consider the possibility of the secession of one or more states. In doing so, he was far from being a reliable prophet. Toward the close of a discussion containing more error than truth—one in which he predicted that one or more states might leave the Union at almost any time—he says that "the continuance of the Federal government can be only a fortunate accident."[4] Failing to see or to understand the growth of national sentiment, he refused "to believe in the duration of a government that is called upon to hold together forty different nations spread over a territory equal to one-half of Europe."[5] One or more states, he thought, might come to have a preponderance of strength, but "the Federal government is visibly losing strength."[6]

Tocqueville's estimate of America's capacity to conduct a foreign policy is one about which there is doubtless room for at least two schools of thought. He believed that "it is especially in the conduct of their foreign relations that democracies appear . . . decidedly inferior to other governments."[7] To his own satisfaction, his enumeration of the qualities essential for the conduct of foreign affairs did not include those to be found in a democracy, those very qualities which are favorable to the increase of the domestic comfort and happiness of a people. He believed strongly in a career service for administrators. There was, he conceded, some justification for a democratic, i.e., a popular, rotating civil service, but foreign policy should always be conducted by a permanent staff of the educated and the genteel. Being somewhat less impressed today than I was a decade ago by the dogma of those who advocate a foreign service composed entirely of career men, I am inclined to recall that the United States maintained a foreign policy entirely adequate to its needs—more could scarcely be expected of a young and relatively weak power, and that much has not always been found among the greater powers of western

[3] George W. Pierson, *Tocqueville and Beaumont in America*, p. 175.
[4] *Democracy in America*, I, p. 397.
[5] *Ibid.*
[6] *Ibid.*, p. 404.
[7] *Ibid.*, p. 234.

Europe—maintained its independent position in the world and, with British backing, kept European struggles out of this hemisphere, until it had grown to a size and power which made the participation in those affairs inevitable. As Tocqueville missed altogether the Monroe Doctrine, so he failed, more understandably, to foresee that the American democracy would, in the persons of Wilson and Roosevelt, give a loftier and a more far-sighted lead in the development of the international community than any of the more aristocratic nations, some of which have proceeded from one egregious blunder to another, all correctly conducted by trained and experienced diplomats.

His well-known analysis of the dangers from the tyranny of the majority does not seem so pertinent to the problems of twentieth-century America as do some other sections. Indeed his extended concern with this problem, and his failure to recognize the dangers from minority control of majorities and majority rights, marks him as being, in this respect at least, more a son of the French Revolution than a prophet of twentieth-century European totalitarianism. But for all that, his discussion of majority rule is among the most fertile and suggestive yet written.

Professor Pierson is of the opinion that a truer conception of Tocqueville's meaning would have been conveyed had the English translation been given the title, "Concerning Equality in America."[8] He further points out that Tocqueville used the word *démocratie* in many different senses. There is undoubtedly confusion in his usage, although I am not sure either that the fault lies with Tocqueville or that the first translator (Reeve) erred. For "democracy," whether in English or in French, is a broad and therefore an ill-defined, at times an indefinable, term. Surely in modern usage, which Tocqueville helped to promote, it covers far more than a system of government. A democratic government is the product of a way of life, a system of society, which is also impossible without the political institutions to which "democracy," in its narrowest sense, is applied. I think that Tocqueville saw this about as clearly as a European could have seen it in the fourth decade of the nineteenth century. But it is also true, and this constitutes part of the justification for Professor Pierson's observation, that Tocqueville does over-use the concept of equality. It appears on the first page of his introduction as the chief cause of the phenomena which he had found in America. It appears at many places throughout the book as the cause, or sometimes as the consequence, of one or another institution or custom. He particularly over-does the equality explanation in his second volume, which appeared five years after the first and covers a broader and less carefully integrated sweep of phenomena. In it he all too often relaxes with a consoling draught of

[8] *Op. cit.*, pp. 7n., 158, 165.

equality as an explanation, even though he never gives a clear definition of his concept.

Several of the qualities which made the first volume a true work of genius are to be found in their less admirable aspect in the second. Tocqueville relied too much upon his ability to devise and express in appealing form a series of broad generalizations, usually falling back upon equality, or social mobility as we should often call it, for a reason. Frequently the cause was nothing more than the youth of the country; sometimes it was the nature of the American's inheritance from England and the colonies; at others, it was the peculiar geographical circumstances. But Tocqueville preferred to rely upon an insufficiently analyzed conception of equality. Doubtless one of the major explanations for this is that he was so far removed in time, as well as space, from the country about which he was writing. His short trip was receding in the background and his stock of factual material was nearly run out. The absence of illustrative detail in the second volume, combined with its rather rambling structure, contributes to make it a far less coherent, and much less effective, volume than the first, even though it too is well worth reading today, both because of the variety of subjects with which it deals and the acuteness of many of his observations about American society and culture.

I have dealt at this length with some of Tocqueville's limitations, not because I have any desire to belittle the work, but rather because I think it a book which repays critical analysis even though, like most other classics, it has been so often praised and so rarely read with care. If there is any book on political and social institutions which has no defects, I have not been privileged to read it. But the shortcomings of the more important books do not supply a measure of their value. Their greatness is to be found in the extent to which they illuminate the subject with which they are concerned. In this case, the subject is nothing less than the nature of the democratic society in America, and the relation of that experiment to the course of Western development. When considered either from the point of view of a century ago, or as a guide to modern society and politics, *Democracy in America* is an extraordinarily rich book, one of the very few books of the nineteenth century which help us to understand how we got where we are, and also where and what we are. There are far too many insights in it to take up in a brief essay. A few of them may be singled out for comment.

Tocqueville saw with amazing clarity, where others saw but hazily if at all, that democracy was on the way, that the broadening of power and privilege was an inevitable stage of human evolution. True enough, he used *démocratie* loosely; who does not? Or rather, who that is worth reading does not? Democracy was not and is not a neat system, capable

of being put into a precisely formulated set of systematic propositions. There is still, over a century later, no satisfactory book on the nature of democracy—none, I think, that does a more comprehensive or a more meaningful job of description and analysis than Tocqueville's.

Many aspects of the change which he saw Tocqueville did not like. Some he feared. His fears and his antipathies did not lead him into the usual mistake of the pessimistic—opposition to change. He was certain that the coming of democracy, in some form, was inevitable. As he put it at the end of the peroration to his second volume, "The nations of our time cannot prevent the conditions of men from becoming equal, but it depends upon themselves whether the principle of equality is to lead them to servitude or freedom, to knowledge or barbarism, to prosperity or wretchedness."[9]

Tocqueville did not find perfection in America, but he did find hope for the future. The Americans in general he did not admire much more than did Mrs. Trollope or Dickens. Most of them were deplorably opinionated and materialistic, and their manners were terrible. He much preferred the less progressive French Canadians, partly at least because they were more like his own countrymen.[10] Among the Americans he was most drawn to the cultivated and the wealthy. But he did not let his distaste for American vulgarism and greed for material things stand in the way of a cool analysis of American institutions.

In another and later of Tocqueville's books, *The Old Régime and the Revolution*, Tocqueville remarked that French economists and political theorists wanted reforms, particularly those connected with equalitarianism, but they had little conception of liberty.[11] He saw that liberty was an essential, that equality was not enough. He appreciated, as have relatively few Europeans—and this includes most of the Englishmen, although it does not include Bryce—that many of the American institutions which seemed but clumsy contrivances standing in the way of "getting things done" were designed and retained because they were better calculated to preserve liberty than would have been the case with more smooth-working devices. He appreciated, that is to say, the *rationale* for the system of such restraints upon governmental power as checks and balances, judicial review, legalism. He could understand that these sprang out of a steadfast desire to protect the liberty of the citizen against governmental authority, not a childishly stubborn unwillingness to adopt the more advanced principle of ministerial responsibility. He appreciated the safeguard contained in the principle of legal change or amendment; the power to make mistakes and correct them. To him Jefferson, rather than Rous-

[9] II, p. 334.
[10] Pierson, *op. cit.*, p. 336.
[11] Bonner translation (1856), p. 192 ff.

seau or the nameless progenitor of the parliamentary system, was "the most powerful advocate democracy ever had," and he thus characterizes him after citing his caution against the tyranny of legislatures.[12] Whatever the vagueness with which Tocqueville uses the concept "democracy," he here, and ordinarily, means a great deal more than quick responsiveness to the voice of the transient majority, or at least of the vocal majority. It may be that his fondness for the principle of aristocracy—and by that I think that he ordinarily intended to mean authority in the hands of the best, although he frequently confused this meaning of aristocracy with an hereditary system of privilege—predisposed him to favor a governmental system hedged about with restraints upon hasty and unconsidered action. But it is just as true that his aristocratic background led him to dislike the materialism and the crudities of the Americans, although he was able to appreciate the merits of their political system in spite of his repugnance for many of their most evident characteristics.

Tocqueville was not happy about the extent to which the ideas and actions of the Americans seemed to be dominated by mass feeling. Yet he was perceptive enough to discern the strongly individualistic flavor of American life.[13] He it was who really coined the term "individualism," for it was not so used in English until his first English translator adapted the word from Tocqueville's *individualisme*. He was not sympathetic with many of the manifestations of individualism that he saw, but again his distaste did not prevent him from seeing and describing. I do not mean to suggest that his analysis of American individualism is a masterpiece of clarity and comprehensiveness. It seems to me both limited and confused in some important respects, but he did catch more than a glimpse of one of the most characteristic features of American life, and he supplied a name for it.

Since 1893 the concept of individualism has, at least by historians and somewhat more recently by journalists and politicians, been often associated with the frontier and with its best known interpreter, Frederick J. Turner. Two generations before Turner, while the frontier was very much an existing way of life, Tocqueville gave a remarkable cogent analysis of its place in American social and economic development. Since he traveled over a considerable portion of the frontier, in the Southwest as well as in the Northwest, he did not have to rely upon the chroniclers nor upon the stories of old men. His discussion of the factors which go to make up the concept "frontier" is less vague and altogether better balanced than that found in Turner's brilliant, if romantic, essays. He had a keen appreciation of the opportunities made available by the vast

[12] *Democracy in America*, I, p. 270.
[13] *Ibid.*, II, pp. 98 ff.

reaches of undeveloped lands and he had a clearer conception of the nature of frontier life. His discussion is, indeed, too nicely balanced and detached to become, as did Turner's famous essay, the inspiration for countless historical writings and a good many political discourses. Turner's over-emphasis was needed in order to make his generation of Americans realize how vast was the influence of factors which were already on the wane. Such exaggeration, coupled with a true poetic gift, made his the most fruitful of historical interpretations. But it is just as well for us today to see with Tocqueville the simple fact that the frontier did not have at all the effect in French Canada that it had in the northern part of the United States. He has often been criticized for knowing too little of the English background of American culture and institutions. In detail, he did lack this knowledge. But a realistic understanding of much that is involved in that inheritance is admirably expressed in his comparison of the several frontiers in North America:

"I have met with men in New England who were on the point of leaving a country where they might have remained in easy circumstances, to seek their fortune in the wilds. Not far from that region I found a French population in Canada, closely crowded on a narrow territory, although the same wilds were at hand; and while the emigrant from the United States purchased an extensive estate with the earnings of a short term of labor, the Canadian paid as much for land as he would have done in France. Thus Nature offers the solitudes of the New World to Europeans also; but they do not always know how to make use of her gifts. Other inhabitants of America have the same physical conditions of prosperity as the Anglo-Americans, but without their laws and their customs; and these people are miserable. The laws and customs of the Anglo-Americans are therefore that special and predominant cause of their greatness which is the object of my inquiry."[14]

This comparison leads to the observation that one of the reasons for the distinction of *Democracy in America* is that it is written in some measure as a study in comparative civilization. We do not have successive chapters on France, England, and America, but we have what is far more illuminating, a treatment of one set of institutions against the background of intense interest in and very considerable knowledge of another system, and of a lesser but not merely bookish knowledge of England and some other European countries. He was thus able to achieve a perspective, in the pictorial sense a depth to his canvas, that is almost impossible for him who knows one country only.

An illustration of the way in which Tocqueville's insight went even beyond his apparent knowledge of the facts may be given as concluding evidence of the book's enduring quality. Though he was uninterested in and knew little about the industrial changes which were transforming American life from an agrarian society to one in good part industrial,

[14] *Ibid.*, I, p. 320.

he perceived that the Americans were strongly inclined toward industrial pursuits and he foresaw the day of cheap mass production. And, as Professor Bradley well points out, Tocqueville gives an almost Marxian interpretation of industrial evolution a decade before the *Communist Manifesto*, one that is at least the equal of Marx in penetration, if it is less notable for its exaggeration and for its evangelistic quality. The growth of manufacturing will, he predicted, produce a sharpness of class division exceeding that of preceding times. This division is marked, not by bonds of obligation, but by separation into employers and paid laborers. The object of the employers

"is not to govern that population, but to use it, . . . the manufacturing aristocracy of our age first impoverishes and debases the men who serve it and then abandons them to be supported by the charity of the public . . . the manufacturing aristocracy which is growing up under our eyes is one of the harshest that ever existed in the world . . . the friends of democracy should keep their eyes anxiously fixed in this direction; for if ever a permanent inequality of conditions and aristocracy again penetrates into the world, it may be predicted that this is the gate which they will enter."[15]

Except for this acute observation, Tocqueville's view of the social and economic structure is related almost entirely to conditions existing before the full impact of the technological revolution. He foresaw certain of the less happy consequences of that great change, but he supplied his times neither with a comprehensive description of life in the industrial age nor with a program for alleviating the evils which he predicted. But, if we may regret that he does not do more, we cannot refrain from recognizing how luminous was his portrait of the period he observed. A book which interpreted the nature and tendency of contemporary democracy as clearly and as searchingly as Tocqueville's did a century ago would be one of the very greatest contributions any man could make to a world in doubt and indecision. In this year which marks the beginning of the atomic revolution it is more than ever apparent that science and technology have outstripped, perhaps fatally, the science and art of politics. The present need is, in military terminology, strategic rather than tactical. We need not more surveys so much as an analysis of the situation in which the world finds itself—in terms of a general plan of campaign. Such a plan cannot be constructed save in terms of principles. An imitation of *Democracy in America* would be pointless. There have been many of those, nearly all of them failures, none of the first rank. What we require is a book which will do for our times what Tocqueville's at least helped to do for his—indicate with clarity the direction and the general nature of the next step in social progress.

[15] *Ibid.*, II, p. 161.

PROPOSED "VALLEY AUTHORITY" LEGISLATION

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Ten bills proposing the establishment of "valley authorities" comparable in some degree to the Tennessee Valley Authority are now before the Seventy-ninth Congress,[1] and it is likely that others of the sort will be introduced in this Congress or later ones. Whether any will be adopted during the present session is problematical, but it seems almost a certainty that within a few years the regional authority idea which has received so much publicity as a result of the success of the TVA will be given further impetus by the enactment of additional valley authority laws. The end of the war and the consequent search for opportunities to cushion the shock of reconversion lend weight to this view.

Since the debate over valley authorities seems in no danger of ending immediately, it should be fruitful to analyze the contents of the pending bills, to compare them with the act establishing the TVA, and to point out some of the issues involved. No attempt will be made to appraise the bills or to indicate conclusions as to their worth or lack of worth.

The chief issues are, of course, whether any more valley authorities shall be established, and, if so, where. The range of thought on these issues is underlined by the diversity of the proposals. Two of the bills which are identical—S. 555[2] and H. R. 2203[3]—provide for the establishment of a Missouri Valley Authority.[4] Four more—S. 460,[5] H. R. 2923,[6] and two more identical bills, S. 1716[7] and H. R. 5083[8]—would set up a Columbia River Authority. H. R. 2540[9] would establish an Ohio Valley Authority, and S. 737[10] would provide a Savannah Valley Authority. H. R.

[1] An eleventh bill, H.R. 2548, introduced by Representative J. Percy Priest of Tennessee, would enlarge the area over which the TVA has jurisdiction by including the Cumberland Valley.

[2] Introduced Feb. 15, 1945, by Senator James E. Murray of Montana.

[3] Introduced Feb. 15, 1945, by Representative John J. Cochran of Missouri.

[4] An amendment to S. 555 was introduced by Senator Edwin C. Johnson of Colorado on Apr. 23, 1945. The amendment would confine the jurisdiction of the authority to the Lower Missouri Valley, defined as "all parts of the drainage area of the Missouri which lie below the Platte River and east of the 98th meridian."

[5] Introduced Feb. 5, 1945, by Senator Hugh B. Mitchell of Washington.

[6] Introduced Apr. 17, 1945, by Representative Walt Horan of Washington.

[7] Introduced Dec. 20, 1945, by Senator Hugh B. Mitchell of Washington.

[8] Introduced Dec. 20, 1945, by Representative Henry M. Jackson of Washington.

[9] Introduced Mar. 8, 1945, by Representative George H. Bender of Ohio.

[10] Introduced Mar. 14, 1945, by Senator Richard B. Russell of Georgia (for himself and Senator Burnet B. Maybank of South Carolina).

1824,[11] titled "The Conservation Authorities Act," would apportion the entire country among nine "conservation authorities" by enlarging the area over which the TVA has jurisdiction and by setting up eight new authorities—an Atlantic Seaboard Authority, a Great Lakes-Ohio Valley Authority, and Missouri Valley, Arkansas Valley, Southwestern, Columbia, California, and Colorado Authorities. A tenth bill, formulated by the Department of the Interior, and presented to the Congress at hearings before the Senate Commerce Committee, would establish a Missouri Valley Authority and would facilitate the establishment of other regional authorities.[12]

These proposals raise numerous collateral issues, many of which hinge on the question of the degree to which the proposed authorities should be modeled on the Tennessee Valley Authority. This is true not only as to the powers proposed to be granted, but also in respect to the administrative mechanisms through which such powers would be exercised. The law (Public—No. 17—73rd Cong., 1st Sess.) provides (Sec. 1) that the Tennessee Valley Authority shall be a corporation. The ten proposals now before Congress are in agreement on the proposition that future valley authorities shall be established as federal corporations.

The TVA act provides (Sec. 2) that the corporation be administered by a board of directors, appointed for nine years by the President with the advice and consent of the Senate. The chairman is designated by the President, and the board of directors reports the activities of the corporation directly to the President. The directors are paid $10,000 a year and are enjoined from engaging in other businesses and from having an interest in the fertilizer or power industries. They are also required to profess a belief in the wisdom and feasibility of the act. The only part of this section of the TVA act to which all the new proposals generally subscribe is that pertaining to the directors' financial interests and belief in the act.[13] Seven of the proposals—S. 555 (Sec. 3), H. R. 2203 (Sec. 3), H. R. 2540 (Sec. 4), S. 460 (Sec. 3), S. 1716 (Sec. 4), H. R. 5083 (Sec. 4), and S. 737 (Sec. 3)—agree on three directors, appointed for nine years by the President with the advice and consent of the Senate, with the chairman selected by the President. H. R. 2923 (Sec. 2), which would set up a Columbia Valley Authority, provides for administration by a board of five members appointed for seven years by the President—one member to be appointed from each of four states, Idaho, Montana, Oregon, and Washington, on recommendation of the governor of the state from which

[11] Introduced on Jan. 29, 1945, by Representative John E. Rankin of Mississippi.

[12] Filed with the Senate Commerce Committee on Apr. 18, 1945.

[13] H.R. 2540 (Sec. 4) prohibits members of the board from engaging in any other business, but does not prevent them from having an interest in such businesses.

appointed. The members are to select their own chairman. Presumably the members would be appointed with the advice and consent of the Senate, although the act specifically omits such a provision. H. R. 1824, the bill which would apportion the land area of the United States among nine different authorities, provides (Sec. 7B) for each of these authorities, with the exception of the TVA, to be administered by a single director appointed by the President with the advice and consent of the Senate for a term of seven years. Under this bill (Sec. 4), the TVA would retain its present administrative arrangement headed by a board of three directors. The Interior Department proposal (Sec. 201) provides that each authority shall be directed by a single administrator, appointed for an indefinite term by the President with the advice and consent of the Senate.

As to salaries, S. 737 and H. R. 1824 provide that the directors should receive $10,000 a year, the same as the TVA directors now receive. The Interior Department proposal provides for a salary of $12,500 a year. The rest of the proposals call for $15,000 a year for each director.

Whether these regional corporations shall be advised by "councils" composed of residents of the regions affected is one of the immediate issues confronting Congress. The TVA act contains no provision establishing such a council. Similarly, two of the bills now being considered, H. R. 1824 and S. 737, do not set up advisory councils. But it is perhaps significant that eight of the ten bills provide for the establishment of advisory councils composed of people in the regions covered by the proposed authority or authorities. The identical Missouri Authority bills, S. 555 and H. R. 2203, provide (Sec. 6) for an advisory committee "which shall act in an advisory and consultative capacity upon such matters of broad policy as may be referred to it. . . ." The committee would also receive the annual report of the board of directors of the MVA and transmit it to the President. The advisory committee would consist of 17 persons, the heads of the Interior, Agriculture, Commerce, Justice, and War Departments, the Federal Security Agency, the Federal Power Commission, the Board of Governors of the Federal Reserve System, and nine persons resident in the area—three selected to represent agriculture, three selected to represent labor, and three to represent commerce. These nine would be chosen by the President. The Interior Department bill, which also provides for a MVA, would set up (Sec. 302) an advisory council of 15 members, one each from Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, appointed by the President after consultation with the governors of these states, and four other members. H. R. 2540, which would establish an Ohio Valley Authority, has the same provisions (Sec. 6) for an advisory committee as S. 555 and H. R. 2203, except that the head of the Federal

Power Commission is left off. S. 460, which would establish a Columbia Valley Coöperative Authority, provides (Sec. 4) for the establishment of an advisory council to advise and consult with the board of directors of the authority. The council would be composed of seven members—three selected by the President from the region and the others selected by the governors of Idaho, Montana, Oregon, and Washington. Specific provision for an advisory council is omitted from the second Columbia Valley Authority bill introduced by Senator Mitchell, S. 1716, but this bill (Sec. 5) and its companion bill in the House, H. R. 5083, authorize the Columbia Valley Authority to form so-called "industry" committees in each of the fields of activity in which it engages. Personnel of these committees would be drawn from labor, industry, agriculture, and federal, state, and local government.

The most elaborate proposal for an advisory council is that found in H. R. 2923, which also would establish a Columbia Valley Authority. Section 3 of this bill proposes a Columbia Valley advisory council of 33 members composed of the governors of Idaho, Oregon, Montana, and Washington plus the seven members of a Columbia Basin Commission, which, it is suggested, each of the four states should create. The thirty-third member of the council would be the director of conservation and development of the state of Wyoming. This bill stresses the advisory and consultative functions of the board more than any of the other proposals. For instance, the bill states that the council should "regularly advise and consult with the board of directors." Further, all proposals made by the board of directors of the authority would have to be submitted to the advisory council for the determination of its views before being submitted to the President and Congress. Again (Sec. 7a3), the corporation is enjoined, in the performance of its duty, to recognize and utilize to the fullest possible extent the advice and coöperation of the advisory council.

That there may be a problem in coördinating the programs and activities of the proposed authorities in the national interest is anticipated by three of the ten proposals. The rest follow the pattern of the Tennessee Valley Act, which, since it established the first and only valley authority in the country, contained no reference to the problem of coördinating the work of the TVA with that of other authorities. H. R. 1824, the bill which would blanket the country with river authorities, provides (Sec. 6a) that the President shall supervise the integration and coördination of the authorities which would be established. To aid him, the President might consult with a "council" composed of one director from each authority, the director of the Bureau of the Budget, and the chairman of the National Resources Committee (sic).[14] S. 460 provides (Sec. 5) for a National

[14] The office of Representative Rankin (the author of this bill) states that the reference to the National Resources Committee was inadvertently put in the bill

River Basin Development Board to review and coördinate the plans and programs of the Columbia Valley Authority with those of other authorities to be established, and with other establishments of the federal government. The board would be composed of the Secretary of the Interior, the Secretary of Agriculture, the Chief of the Engineers of the War Department, the chairmen of the board of directors of the TVA and the CVA, and the chief executive officers of any other regional authorities created. The bill also authorizes the chairman of the National River Basin Development Board (the Secretary of the Interior) to direct and supervise the activities of the corporation, to insure the effectuation of national policies and conformity of regional plans with those of other agencies having related functions in the region, and finally to receive and transmit reports from the corporation to Congress and to the President. The Interior Department proposal (Sec. 201) gives directly to the Secretary of the Interior the same powers of coördination and supervision over the proposed authorities that he would exercise under S. 460 as chairman of the National River Basin Development Board. This proposal also sets up (Sec. 3) such a River Basin Development Board, whose duties, in addition to reviewing and reporting to the President the recommendations of the regional authorities, would include inventorying the natural wealth of the nation and preparing a program to develop and conserve this wealth. In this respect, the Interior Department proposal would seem to revive the National Resources Planning Board.[15]

With two exceptions (H. R. 2540 and H. R. 1824), the bills recognize the fact that regional authorities are arms of the federal government and exempt from local taxation, and take notice of the possibility that the operations of the proposed authorities might be of such magnitude as to disrupt the tax structure of the regions in which it is proposed to locate them. In this the bills follow the general pattern laid down in the TVA act (Sec. 13), although they differ in some respects. H. R. 2203 and S. 555 require (Sec. 18) the authority to pay five per cent of the gross proceeds of its power sales to the states in which it is located and to apportion the funds among the states in proportion to the value of the property owned by the corporation in the respective states. No provision requires the states to channel the money to the local governments. Somewhat similar provisions are to be found in S. 737, although this bill provides (Sec. 14) that the payments in lieu of taxes shall be what the corporation deems fair, but in no event less than five per cent or more than ten per cent of the gross proceeds from power sales. The Interior Depart-

by the legislative draftsmen as the result of using an earlier bill as a model, and that when and if the bill is considered it will be amended to omit reference to that "committee."

[15] Abolished by Congress as of Jan. 1, 1944 (57 Stat. 169; 5 U.S.C. 133t note).

ment bill (Sec. 215) provides for a complex system by which each state and its political subdivisions would receive payments from the authority equal to the amounts lost by inability to levy real, personal, or business taxes on property held by the federal government. H. R. 2923 (Sec. 19), S. 460 (Sec. 25), S. 1716 (Sec. 23), and H. R. 5083 (Sec. 23) also contain "in lieu" provisions under which local and state governments would receive almost precisely what they would lose in taxes by the establishment of a Columbia Valley Authority. The provisions require that payments go not only to the state, but directly to the political subdivisions which have lost taxables by the establishment of the authority.

Different concepts of the degree of accountability owed by an authority to Congress are contained in the eight proposals. All of the bills require that each authority submit to an annual audit by the Comptroller General of the United States, the watchdog set up by the legislative branch of the government. Following the TVA pattern set forth in Sec. 23 of that act, H. R. 1824 (Sec. 7a) provides that the President shall submit any plans for the development of the conservation authorities to Congress with his recommendations. S. 555 and H. R. 2203 (Sec. 11e) provide that any recommendations for the development of the Missouri Valley shall be submitted to both houses of Congress, and that they shall have 120 days to consider them. If such recommendations are not disapproved by concurrent resolution, they shall be considered effective. A similar provision (Sec. 8) is found in S. 1716 and H. R. 5083, and H. R. 2540 (Sec. 11e) has the same provision with respect to the Ohio Valley. S. 460 (Sec. 9d) provides that recommendations for the Columbia Valley "shall be reviewed by the Columbia Valley advisory council and its report shall be forwarded to the President and Congress together with such plans and recommendations." If not disapproved by Congress by joint resolution within four legislative months, the recommendations are to be deemed effective. H. R. 2923 (Sec. 4) not only has a four-month legislative waiting period, but also requires (Sec. 3i) that the advisory council shall have at least three months to present its view on the proposed recommendations before they go to Congress. S. 737 omits reference to the way in which the recommendations of the authority shall be approved, and presumably in this case the authority would have to go before Congress itself and secure authorization for any plans which it had for the development of the Savannah Valley. The Interior Department proposal (Sec. 203f) provides that no dams "shall be deemed authorized without specific approval by the Congress."

But the fact that procedures are established by which the recommendations of the various authorities may be approved by Congress does not necessarily provide the funds whereby these recommendations may be put into effect. The proposal whose financial provisions bear the closest

resemblance to the TVA act is S. 737, which provides (Sec. 6) that the corporation, after deducting the cost of doing business and an amount deemed by the board to be necessary to withhold as operating capital, shall turn over its net proceeds to the United States Treasury. This provision does not apply to the funds which it may receive under its authorization (Sec. 12a) to issue, with the approval of the Secretary of the Treasury, up to 50 million dollars in revenue bonds in order to construct or acquire any facility needed. This act (Sec. 6) also provides that additional appropriations shall be made in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 20). The TVA act (Sec. 26) provides for a continuing fund of $1,000,000 for emergency expenses, and also provides that the corporation may keep what it deems necessary for operating expenses. The rest of its proceeds are turned over to the Treasury. The TVA has had several authorizations to issue bonds in specific amounts and for specific purposes. S. 555, H. R. 2203, and H. R. 2540 omit any provision for the issuance of revenue bonds, but otherwise all (Sec. 8) contain much the same financial provisions. S. 460, with generally the same provisions (Sec. 2), also authorizes the issuance of revenue bonds to acquire power distribution systems. The same is true of S. 1716 and H. R. 5083. H. R. 1284 (Sec. 28) provides that all receipts from each authority shall be covered into the Treasury of the United States, except that a continuing fund not to exceed $500,000 shall be set up in the Treasury to defray operating costs of each authority. H. R. 2923 provides (Sec. 18) that the corporation may keep all of the funds derived from the sale of power and water and from other activities, and that any other appropriations needed shall be made in accordance with the Budget and Accounting Act. The corporation (Sec. 17), with the advice and consent of the advisory council, is authorized to issue revenue bonds to carry out such recommendations as it may make to carry out the purposes of the act. The Interior Department proposal (Sec. 214a) provides that all funds derived by the corporation from its operations shall be paid into the Treasury at the end of each calendar year, with the exception that it may withhold whatever it deems necessary as operating capital. Such other funds as it needs would have to be provided by appropriations made in accordance with the Budget and Accounting Act. The Interior Department proposal also has a proviso that where the corporation has the custody of property belonging to the United States, the net proceeds other than those derived from the sale of electrical energy shall be distributed as required by executive order, or agreement at the time of the transfer of the said properties to the corporation. This provision is designed to protect the Indians in their treaty rights.

Like the TVA, seven of the bills would require the proposed authorities to conform to the uniform system of accounting for public utilities

prescribed by the Federal Power Commission. These bills are: S. 460 (Sec. 14d), S. 555 and H. R. 2203 (Sec. 17e), S. 737 (Sec. 13c), S. 1716 (Sec. 14d), and H. R. 5083 (Sec. 14d), and the Interior Department proposal (Sec. 214e).

In general, the proposals would give the authorities power to cope with problems of flood control, navigation, water power, reclamation, stream pollution, conservation, soil erosion, and agriculture. The exceptions to this are H. R. 2540, which makes no provision for the manufacture or sale of electric power, and S. 737, which has no specific reclamation provisions. Four of the bills, S. 555 and H. R. 2203, H. R. 2540, and the Interior Department proposal, would authorize the authorities to integrate the disposal and use of surplus war plants into over-all recommendations in connection with valley development.

So far as the disposition of electric power is concerned, there are four points of variance: (1) whether an authority should have the power to sell electricity at wholesale and retail; (2) whether the authority should have the power to assist purchasers, actual or potential, in acquiring or operating distribution systems; (3) whether any limits should be placed on the authorities' power to take over local distribution systems; and (4) what kind of limitations should be placed on the rates at which electric power produced by an authority might be sold. Eight of the proposals authorize the authorities to sell power at wholesale or retail. These are: H. R. 1824, H. R. 2923, S. 555 and H. R. 2203, S. 460, S. 1716, H. R. 5083, and S. 737. The Interior Department proposal provides that power shall be sold only at wholesale. H. R. 1824 is the only bill which does not authorize the authorities to assist actual or potential purchasers in the operation or acquisition of distributing systems. H. R. 2923 is the only proposal which would forbid the authorities to take over local systems if the local authorities object. S. 555 and H. R. 2203, S. 460, and S. 737 contain no specific provisions that power bought at wholesale from the authorities be sold at reasonable and non-discriminatory rates to the ultimate consumer.

The largest difference between the original TVA act and the proposals now before Congress is the emphasis in the new proposals upon the use of water, not for the generation of electric power, but for reclamation and irrigation. S. 555 has a long section (No. 13) devoted to the way that water shall be used for irrigation projects, and surrounds this use with many limitations concerning the size of the farms which may be so irrigated, the procedures for the disposal of public lands, and the conditions under which the government is to be reimbursed. This same emphasis on the use of water to make arid lands fruitful is found in the Interior Department bill, again in the Columbia Valley authority bills introduced by Senator Mitchell, Representative Jackson, and Repre-

sentative Horan, in the Ohio Valley bill by Representative Bender, and in the other bills to a lesser extent. The Interior Department proposal is the only one which, by its provisions, points up the fact that authorities established in the West would have jurisdiction over areas which the United States has, by treaty, reserved to the Indians. That there must be some provision made in valley authority acts for the questions raised by irrigation and reclamation, by the use of public lands, and by the Indian reservations within the areas proposed to be allotted among these authorities, is, however, hardly an issue.

The emphasis in this article on points of difference should not be permitted to cloud the fact that in many areas the proposals for new valley authorities follow the TVA pattern with a great deal of fidelity. For instance, the provisions regarding employees of the proposed corporations are taken almost word for word from the provisions of the TVA act. These provide that persons may be employed without reference to the U. S. Civil Service Act, but that the corporation may set up its own civil service system if it wishes.

In summary, it may be said that the proposals indicate that there are questions which still remain open despite the success of TVA. These would seem to include: (1) Should the proposed authorities be administered by a single administrator or by a multiple member board?; (2) Should the activities of the various authorities be coördinated and supervised, and, if so, by whom?; (3) To what degree, if any, should the proposed authorities be compelled to consult and advise with "local" advisory councils?; (4) Should the authorities make payments in lieu of taxes to the states and the local divisions of government and, if so, to whom and how much?; (5) To what extent should the proposed authorities be accountable to Congress?; (6) To what extent shall the proposed authorities be financially independent of Congress?; and (7) Should the authorities engage in the retail distribution and sale of power?

CIVIL LIBERTY AFTER THE WAR

LINDEN A. MANDER
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In his presidential address delivered before the American Political Science Association in January, 1944, Professor Robert E. Cushman set forth clearly and convincingly the dilemma which confronts contemporary democratic nations. If they suppress discussion out of fear of fifth column and other subversive elements, democracy may perish from within, since constructive critical forces will in all probability be suppressed along with the elements of danger and dissatisfaction. If they permit freedom of dis-

cussion and propaganda, those hostile to democracy may use freedom of speech to gain control of the democratic processes for the purpose of suppressing the very democracy which has permitted them to ride to power.

The world has seen this process at work both in Spain and in Germany, where the abuse of parliamentary immunity helped to hasten the overthrow of free peoples. And this type of danger will face the democracies after the present war at a time when emotional attitudes will be marked by greater intolerance. The danger may possibly come from those who desire internal reaction, from those who are members of fifth column groups, or possibly from a combination of both; for in an age of confused purposes national groups willing to link themselves with foreign elements for the forcible suppression of parties and groups of which they disapprove have come to be not uncommon.

The thesis of the present paper is that the dilemma ably presented by Professor Cushman cannot be resolved other than within a sound framework of international government; that democracy will be unable to maintain civil liberties within nations acting as separate units of defense; and that the fundamental reason for this is that modern technology has made the central problem of modern nations that of military security. The world has drawn closer together and war has increasingly developed into total war. At the same time, internal and international economic arrangements have become much more complex, so that even in peace greater regulation and readjustment are necessary in order to harmonize divergent interests. But the task of reinterpreting liberty in a mechanized age, difficult in the extreme, has become intensified almost beyond measure by the demands and ramifications of modern war.

How does modern war affect the question of civil liberties? By the very fact that ideas are weapons. It is true that in the past ideas have had this attribute, that Christianity, for example, has helped to dissolve native customs in lands which it has invaded, and modern science has tended in the same direction. But this dissolving tendency was incidental to the clash of culture, whereas today ideas are deliberately used as part of the war process. Hitler has said that shooting begins at the eleventh hour, and one does not need at this point to bring forward in detail the great mass of evidence to show the way in which the Nazis used propaganda before and during the war.

The importance of propaganda for the matter of civil liberty cannot be over-estimated, and it is submitted that its growing use in international relations cannot easily be reconciled with the traditional assumption that ideas are primarily instruments of truth and means of self-realization. For in an age of great crisis and world war the main task of a government is to deceive the enemy rather than to enlighten its own people; it is more important not to tell the truth to one's own people if telling it would reveal

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information of military value to the enemy. Now since the area of vital information tends to become wider, the area of free discussion and of government accountability correspondingly diminishes, owing to inaccessibility of the information necessary to form an adequate judgment.[1]

Democracy, therefore, is in a very perilous position if telling the truth will do it more harm than good, for a great danger exists that officials will be inadequately checked; and an inadequate check upon officials, as history all too clearly reveals, involves a danger to popular liberties. Moreover, the continued use of utterances by public statesmen to deceive the enemy will gradually tend to bring a loss of faith in public pronouncements, and the skepticism which will result will constitute a danger to democracy; for civil liberties involve a high degree of mutual trust and confidence. If these qualities disappear, morale breaks down and the way is opened to serious decline, with internal party and group suspicions and fears growing apace.

If the United Nations cannot build a strong system of international organization so as to insure the peace, they probably will begin an armament rivalry as did the victorious Allies after the last war. This time, however, the armaments race will not be confined, as it largely was then,

[1] In his March 26, 1944, broadcast, Mr. Churchill told the British people that they must expect a number of false alarms which, he said, would be designed to mislead the enemy. At what point does this necessary deception of a people by the government for the people's good merge into something very different? Elsewhere I have put the matter in the following words: "Who in the present war can separate the necessary arbitrariness . governments for urgent military reasons from the type of executive arbitrariness against which Anglo-Saxon countries have fought for centuries and against which they have erected the careful legal procedures known especially to and valued by the legal profession? If today an objection is raised against some official action, the reply is made that the action is dictated by military necessity. If people suspect that there has been unjustified encroachment or inefficiency in one of the government services, they find it difficult to obtain full information because the government will say that the publication of information will be of more value to the enemy than it will be to its own democracy. Who shall judge whether this explanation is true? Thus democracy runs the risk of a progressively diminishing control over its officials; for uncontrolled power is alleged to be necessary to wage war, but uncontrolled power is very difficult to reconcile with the institutions of law which have been so carefully built up over the centuries. One may fairly conclude therefore that in the conduct of the present war lie many dangers to free institutions and that certain bureaucratic top-heaviness and habits may well persist, and that if the growing impact of international affairs upon national affairs continues in a war world we may expect to see an expanding area of official discretion under cover of military necessity or reasons of state. If we are to reverse this tendency we must constitutionalize what has traditionally been called foreign relations; otherwise the constitutionalism of domestic life will be swallowed up in the crisis government resulting from international instability." L. A. Mander, "National Law and International Order," *Washington Law Review and State Bar Journal*, Vol. 19, p. 74 (Apr., 1944).

to armies and navies and air forces. We have learned too much in the meantime, and the propaganda machines will be thrown into high gear one against the other. If we look at the situation before 1939 and compare it with that before 1914, we cannot help being struck by the fact that Englishmen thirty years ago were thinking in terms of cricket and not of war; whereas in 1939 the general public of all countries, including our own, had long been familiar with the fact of crisis, and Hitler's methods of weakening the enemy by confusing judgment had played their brilliant though diabolical part. We shall find that if the world is committed to this type of armament race, the poison of propaganda will affect all conditions and institutions within democracy.

Take, for example, the universities. Will it be possible to engage in the international exchange of students and faculty if we cannot be sure of the good faith of visiting students and professors? Did not the Nazis use the cloak of intellectual coöperation to bring Abetz and his so-called students to Paris? Can there be much of any interchange of scientific information if such interchange will be used primarily for military, and only incidentally for welfare, purposes? We know that in Institute of Pacific Relations conferences several years before Pearl Harbor, some Japanese participants manifested an unusual interest in the resources of certain parts of the Pacific. Looking back, who can be blamed for doubting their motives?

A former faculty colleague who went to Greece in 1938 in order to carry on research at Athens gave up the attempt since she found that the institutions of learning were becoming little more than centers of political intrigue by national spies masquerading as scholars interested in academic pursuits. Even refugees were utilized for fifth column work; and at least one, to the writer's knowledge, was arrested on the day of Pearl Harbor.

After the next peace we may expect to see international coöperation for intellectual research and exchange of students considerably limited if the balance of power struggle is resumed. Why exchange information which may prove more valuable to potential enemies than to ourselves? One of my colleagues has seriously urged that students now engaged in studying postwar international coöperation are rendering the United States a disservice; for they should be studying methods of increasing the military strength of this country. The increasing emphasis on military education of civilians (an emphasis applauded by Edward Meade Earle and Walter Lippmann) may be viewed from two sharply contrasting and perhaps irreconcilable viewpoints: if power politics is to dominate, they are right; if not, what they suggest may be dangerous.

The question goes deeper than this. From regarding international intellectual exchange and inquiry as dangerous, it may be an easy step to regarding any questioning of the need of increased armaments as disloyal;

and that, in turn, may lead to the charge that any examination of broader principles of government may lead to heresy. What of Mr. Justice Holmes's "Value of Outrageous Hypotheses"? Will these be regarded as bold intuitions in the realm of discovery, or as Machiavellian methods of provoking dissension and doubt? The relation of church to state, an age-old problem of the first magnitude, may well come to be regarded as beyond discussion. Why should the church preach the brotherhood of man if power politics is to reign supreme? For such preaching might weaken national morale. Today, conscientious objectors are well-treated on the whole, but this comparative tolerance remains possible because there are comparatively few of them. Let the international rivalry continue to grow more intense and religious tolerance may well disappear. The very advocacy of world fellowship, attempts to promote the ecumenical movement, may lessen the national will to fight. Thus, religion at its best may be opposed for reasons of military necessity. On the other hand, religion itself may undergo transformation at the hands of unscrupulous people; for it provides one of the most powerful agencies of good and of evil. There is no need of introducing historical examples of the part played by religion in international struggles. Fodor has described the Nazi infiltration into the Oxford Movement of Holland, and on May 25 of last year the press carried news that Mrs. Theresa Behrens, German-American secretary of the International Center of the Detroit Young Women's Christian Association, had been sentenced to twenty years' imprisonment for conspiring to violate the Wartime Espionage Act. The menace of ignorant religion appears in startling intensity in the Detroit race riots. One learns with dismay that emotional fundamentalist preachers raise the passions of mass-minded people. Is it without significance that Rev. Gerald Smith, ex-lieutenant of the late Huey Long, brought out in April, 1942, a periodical called *The Cross and the Flag*, the slogan of which was "Christ First in America"? Earl Brown writes that three men—Coughlin, Norris, and Smith—are the best known of the Detroit religious-political demagogues, but "that there are thousands of others," and that there "is a connection between the apocalyptic doctrine of these sects and religious and racial intolerance."

This last point illustrates the truth that many things which constitute a threat to democracy may appear to be purely internal matters, with no international implications. Race prejudice may seem only a national problem. In reality, it has tremendous significance for our foreign relations and national security. Pearl Buck and others have convincingly shown that the Japanese made telling use of race discrimination and race riots in this country to inculcate by means of the radio the idea that America was fighting the recent war for the maintenance of white supremacy, and reports received from the Far East suggest that the enemy efforts in

this field have been far from unsuccessful.[2] It logically follows that those bent upon weakening American institutions will carry on all kinds of activities designed to set group against group. Dr. Buell Gallagher, in Seattle, publicly charged certain sinister groups which he mentioned by name with setting whites against Japanese (picturing what would happen if the American-Japanese returned to the West Coast),[3] Japanese against Jews ("the Jews are taking over your business prospects"), the Jews against the Negroes, and the Negroes against the Jews. There is reason to believe that responsible authorities suspect that the mounting tide of anti-semitism in essential industries is, in part at least, traceable to "professional saboteurs." The natural sectionalism and localism of American politics can be seriously intensified by skillful use of race prejudice. Not only that; at a time when the colored peoples of the world are growing more conscious of their rights and are demanding a lessening of discrimination and acceptance of the principle of race equality, and may be united only in resentment against the white man's imperialism, we are weakening our national unity by these racial divisions.[4] True, some of these have

[2] L. A. Mander, *op. cit.*, pp. 77–78. I wonder if many people appreciate how organization for total war has affected the civil rights of citizens; and yet surely the evidence before us needs no elaboration. The American-born Japanese citizens of the West Coast, many of them loyal beyond question, have been compulsorily shifted from their homes, have suffered economic loss, and face the prospect that, owing to the growth of race prejudice, they may not be permitted to resume their normal life on the West Coast. We may indeed have created a second class of American citizenship. No one, I think, would deny the military factors involved in shifting the population (though whether the move was undertaken primarily to prevent sabotage or primarily to protect the Japanese themselves may be open to question). What has happened to the American Japanese may happen to others, for owing to the ingenious and multifarious methods now possible in total war, every person belonging to a minority group may be a potential enemy, and thus those with "double loyalties" may find themselves in a tragic and impossible position. . . . The United States comprises one of the most imposing collections of minorities under one government in the history of humankind, but the position of minorities in their civil, cultural, religious, and legal relations tends to become worse because of the need of taking no chances in an age of war and the consequent redoubled surveillance over such minorities. Stern action toward and persecution of minorities, however, has seriously affected the spiritual and political unity of many a country and produced disastrous results, as the history of Austria-Hungary and of Turkey has clearly shown.

[3] Carey McWilliams, *Prejudice; Japanese-Americans* (1944), presents documentary evidence of a conclusive nature to show that anti-Japanese groups on the West Coast, and particularly in California, used the international situation to indulge their race prejudices against Japanese-American citizens and to demand their removal from the West Coast areas.

[4] As a member of the Mayor's Civic Unity Committee of Seattle, the writer has had opportunity to see something of the problems arising out of discrimination practiced against Negroes, particularly those who migrated into the war industries.

been merely intranational prejudices for many years, but now they are fertile ground for the enemies of democracy.

We must uphold government by correcting its weaknesses, but we must not permit it to be weakened by subtly created distrust of the government *per se*, of the whole fabric of democracy. Several years ago, the play "Of Thee I Sing" proved popular in the United States. In times of security, humorous criticism might well pass. But is it not possible that such methods might be utilized by those whose purposes lie in other directions? Thus the dilemma appears again: if no criticism is permitted, liberty will be endangered by the growth of irresponsible official power; if criticism is permitted, sinister forces may distort it to destructive ends.

The reason why it will be increasingly difficult to make the democratic processes work in a democracy if international power politics resumes its sway unchecked must be examined more closely. Hitherto we have assumed that the basic motives of parties and party members, for example, have been to remedy defects or to gain control of government in order to put alternative policies into operation—policies which, however, would be fundamentally consistent with constitutionalism. That assumption can no longer be made, for the framework of political reference has now basically changed.

The pendulum swings more violently and widely; political opponents are increasingly labeling each other "fascist" and "communist." A generation ago, such was not the case. Political debate, however bitter, did not involve charges of being in the pay of foreigners, serving fifth-column agencies, threatening the security and even existence of the American nation. Perhaps very early in the Republic such attitudes entered into the debates between Federalists and Republicans. But after that time, until very recently, domestic politics involved essentially only domestic "ideologies." Now rumor follows rumor and charge brings forth countercharge.

As so much more is at stake than in former years, in the nation's existence, fears will more readily mount, and such fears will be exploited by the trained saboteurs. Loss of faith in generally accepted ends will come at a time when the philosophy of democracy has suffered a marked loss of clarity and enthusiasm. Under these circumstances, how shall "The Wave of the Future" or "The Managerial Revolution," for example, be estimated? Without question, the ideals of democracy have run shallow, and critical analysis and lofty example are urgently needed. But critical analysis can be destructive as well as constructive; it may not be easy to distinguish between destroying illusions and undermining faith; and we have already seen how certain leaders, by over-simplifying issues, have done appalling damage to democracy in the name of promising deliverance.

If Great Britain, China, the Soviet Union, and the United States fail to lead in maintaining a closely knit United Nations, we may expect to find the following forces at work: renewal of Nazi and Fascist propaganda in order to retrieve as much as possible; intensification of race prejudice, inasmuch as the hatred against the Japanese can quite easily be switched against any other colored people (as the Chinese are well aware); a rebirth of Communist propaganda, since the Soviet Union, which dissolved the Comintern while the Allies fought side by side, will readily be able to use the philosophy of Communism and former techniques of the Comintern to aid it in its power politics.

Trade unions are now attempting to improve working conditions in wartime,[1] for they fear that if they wait until the war is over they will have lost their opportunity. But a two-fold reaction results. First, the unions find themselves in a favorable bargaining position. Labor is desperately needed for the efficient conduct of the war, and union leaders can plead that social security and full employment definitely constitute one of the major objectives of the war; on the other hand, not an inconsiderable section of the public feels deep resentment against those who seem to take advantage of a national crisis for selfish purposes while thousands of men face death on land, on sea, and in the air. That this situation contains elements of danger is clear from a passage written by Professor G. W. Allport,of Harvard University,in a foreword to the pamphlet entitled *A B C's of Scapegoating*. Professor Allport writes: "Our mixed population provides fertile soil for prejudice and scapegoating; and the strains and irritations of wartime, combined with the confusion of thought that occurs in times like these, augment the difficulty. A public opinion poll revealed that eighty-five per cent of our population accuses one or more of the following groups of profiting selfishly from the war: farmers, Negroes, Jews, foreign-born, Protestants, Catholics, businessmen, labor-leaders, wealthy people. The seeds of suspicion are already sown. In most of our minds, one special group of our fellow Americans is singled out for blame. In place of a sense of national unity, most of us have a feeling of distrust, if not actual hostility. In the list, the groups most frequently accused are labor-leaders and Jews—precisely the Nazi pattern of slander and attack."

Under these circumstances, we may readily imagine that an overheated public opinion could easily become the victim of skilful manipulation after the war. If the division between capital and labor should again become bitter, a serious reaction might result even within a domestic situation uncomplicated by foreign dangers, and it might be increasingly difficult for the unions to maintain the gains which they have so painfully

[1] The war was still in progress when this article was written. MAN. ED.

achieved. If international rivalry should take on an accelerated tempo (and who can doubt that it will do so in the absence of an adequate international organization?), strikes will become as dangerous to national security as they have been in wartime. In the midst of rumors, the traitors within our midst may mingle their voices with those of the domestic reactionaries, making the latter serve the purpose of weakening the nation. So will Gresham's law apply to civil liberties—the worse will drive out the better.

And if capital and labor become alienated, and the United States and the Soviet Union drift apart, what more natural than that the class war slogans will appear on all sides? Distrust of the Soviet Union and of the labor movement could be readily mixed in skilful proportions. Not only would Communists secretly stir up hatred of capitalists; the hidden Nazis would do the same—resuming a technique of which they have acquired a subtle mastery. And worse still, they would stir up hatred against labor and the Marxists (for the two will be identified); for the aim would be to create suspicion, confusion, and distrust. And "our mixed populations" will provide fertile soil for this ruthless kind of undermining activities. Thus it is by no means clear that collective bargaining will be able to survive a world in which intolerance and national fears shall have mounted. The quality of democratic differences will have deteriorated, and it is upon the maintenance of an adequate *quality* of differences that the survival of democracy and civil liberty depends. Without differences, we have despotism; with differences of a low-minded character, we become a mass of quarrelsome groups, each concerned with its restricted view of its "liberties," indifferent to the general liberty of all upon which rests the continual enjoyment of the particular liberties of each.

Someone has said that if democracy is overthrown, it will be in the name of democracy. That is, demagogic leadership will present specious and glittering hopes; it will picture over-simple causes; it will appeal to deep-seated irrational tendencies; it will confuse issues; and sober judgment will be overwhelmed by passions which have been sedulously cultivated by disaffected and fanatical people. Professor Allport has written: "In ordinary times the resiliency of democracy is so great that mixed populations manage to live side by side peacefully enough, even though minor frictions and prejudices exist. Our peril today lies in the fact that our pet prejudices, combined with our tendency to fix the blame for our woes upon others, may break over into irrational, degenerative scapegoating, destructive of our chances to win a victory for democracy and a lasting peace of equality and opportunity for all men. Since we are speaking of what is unquestionably the weakest spot in our national morale, of a cancer that must be controlled before it kills, we cannot afford the luxury of optimism. True, the picture is blacker in wartime simply because the burden of

frustration and unconscious guilt is greater than usual. Come peace, and we may return to our somewhat uneasy coördination of racial groups. But the war is not yet over, and when peace returns we have no guarantee that the psychological and environmental causes of scapegoating will be lessened."

The picture is not a promising one. The editor of *The Economist* may well be right in asserting that a complicated mechanical age lends itself more readily to dictatorship than to the achievement and maintenance of democracy. But the picture is also not hopeless. There are things which can be done. And the first, it seems to me, is to realize that democracies as sovereign states are so vulnerable that they cannot hope to survive as sovereign states, for reasons that I have given. What must be done is to make democracy safe for differences, to find a method of separating the constructive from the destructive aspects of criticism; for criticism we must have. What broad principle shall we adopt? The answer is clear: prevent ideas from becoming weapons of war by insuring that no armed forces can follow in the train of any set of ideas. Fifth Columnists will lose much, if not all, of their ominous character if the battle of ideas can be divorced from that of armies, navies, and air forces, so that a nation's safety be not imperiled by its freedom of debate. And the only way in which this separation can take place is by the establishment of such a close agreement between the members of the United Nations that no armament race will or can take place anywhere. Difficult or impossible it may well be. That point I am not discussing. I am merely pointing to the alternatives. I am asserting that civil liberty will survive on an international or transnational basis, or not at all, that the civil liberty which we are fighting to defend will be lost unless in addition to winning this war we insure without any doubt so close a political agreement among the victors that they can avoid a suicidal rivalry involving war preparations in four directions—political, military, economic, and psychological. The day has gone when civil liberties can be preserved on an exclusively national basis; they can be preserved, if at all, only within a wider framework wherein all freedom-loving peoples pool their power in order that the great energies released by modern technology may at all times be under effective control, and wherein the force at the immediate disposal of world society shall be greater than that at the disposal of the respective national units. If such organization cannot be achieved, we have only to draw the obvious conclusions.

FOREIGN GOVERNMENT AND POLITICS

SOVIET DOMESTIC POLICY IN THE POSTWAR WORLD

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Analysis of the position of the Soviet Union in the postwar world may logically begin with internal policy. Lenin himself invited this approach when he wrote: "There is no more erroneous nor harmful idea than the separation of foreign and internal policy."[1]

It is audacious for an outsider to predict the future course of Soviet policy. Too many factors which only Soviet leaders can know enter into the decisions. Nevertheless, we Americans are about to enter a period in which the Soviet Union will play a major rôle. Our situation demands that we know our neighbor,[2] and this paper is directed to that end. It will discuss the various aspects of outstanding importance from which internal policy is formulated.

Political Theory. Soviet statesmen have retained their basic thinking as to the character of the Soviet state. Commissar Vyshinsky twice restated it publicly during the war itself. In 1942, he told the Soviet Academy of Sciences that "the Soviet State, as a state of the proletarian dictatorship, must be a new type of democratic state for the proletariat and the propertyless, in general, and a new kind of dictatorship against the bourgeoisie."[3] In this statement, the dean of Soviet political scientists repeats the traditional Soviet thinking. The Soviet state is, and will remain, a proletarian dictatorship, leaving no stone unturned to eradicate the bourgeoisie and the principles believed to lie at the heart of capitalism.

Again, in 1944, Vyshinsky restated the basic political theory of the Soviet Union in the same terms.[4] He took occasion to declare that the doctrine of the "withering away" of the state had been the subject of more confused discussion than any other. He did not advocate that it be discarded, but he warned against abusing and misinterpreting it. He advocated a strong state, a mighty repressive force, from which victory

[1] See leading article published in *Pravda*, No. 81, June 27 (14), 1917. Also published in *Leninskii Sbornik*, Moscow, 1935, Vol. 21, p. 66. While the article was unsigned, the editors of the *Sbornik* have reached the conclusion that beyond a shadow of a doubt Lenin was the writer. See *idem*, pp. 60–61.

[2] See editorial "Know Thy Neighbor," *New York Herald-Tribune*, Dec. 27, 1944, and editorial "The Study of Modern Russia," *idem*, Dec. 30, 1944.

[3] A. Y. Vyshinsky, *Sovetskoe Gosudarstvo—Gosudarstvo Novogo Tipa* (Moscow, 1943), p. 16.

[4] A. Y. Vyshinsky, *Sovetskoe Gosudarstvo v Otechestvennoi Voine* (Moscow, 1944), pp. 32–34.

in the war would be assured, and for which there will be need as long as armies exist and as long as there is a new economy to be built.

There can be little doubt that the Soviet leadership as it enters the postwar world will adhere to the political theories expressed by Stalin at the XVI Party Congress in 1930. At that time he called for "the strengthening of the dictatorship of the proletariat, which represents the most powerful and mighty authority of all forms of state which have existed up to the present day."[5]

The Communist Party. The war has been the occasion for an expansion in the membership of the Communist party. From a membership of 1,588,852 in 1939 the party jumped to 2,515,481 members in 1941. Candidates for membership added close to another million and a half. Since 1941, there has been further growth. It has been announced that in November, 1943, the members and candidates totalled 4,600,000, of which possibly a little over a million were candidates, while in January, 1945, the total of members and candidates was 5,700,000.[6] Liberalization of party admission requirements in 1939 laid the foundation for expansion by making the requirements equal for all, whether workmen, peasants, or professional people, and by eliminating the previously existing severe tests on Marxist political theory and party history. Acceptance of the party program was made sufficient to permit qualification on ideological grounds.[7]

In spite of the increase in membership, there is no indication that the leadership has forgotten Lenin's fight at the Party Congress of 1905.[8] At that time, Lenin defeated efforts to build a large party of sympathizers and forced the adoption of rules calling for a small party of disciplined members willing to sacrifice themselves in hard work for party principles. The party leadership today seems to have appreciated the danger of disintegration in the face of expansion of membership in wartime. It is a time when political education is not as easy to direct and make time for, and when there is a tendency to invite brave soldiers and good production workers to become members without thought of their long-term party possibilities. The party press has criticized lack of political education and of attention to principles for which the party has stood. It seems likely that when times return to normal, there will be a reëmphasis on political

[5] J. Stalin, *Leninism* (Eng. ed., Moscow and New York, 1934), Vol. 2, p. 342.

[6] E. M. Yaroslavsky, "Tri Voennye Oktyabrskie Godovshchini," *Pravda*, No. 282 (9418), Nov. 15, 1943, p. 2, and G. Aleksandrov, "Po Leninskomu Puti Pod Voditelstvom Stalina," *Bolshevik*, No. 1, p. 38 (1945).

[7] For translation of 1939 revised rules, see *American Quarterly on the Soviet Union*, Vol. 2, p. 59 (Apr., 1939).

[8] For the history of the 1905 meeting, see *History of the Communist Party of the Soviet Union* (New York, 1939).

education and a housecleaning of members who do not appreciate their responsibilities.

While the party may grow, as the country grows and as the Soviet state progresses farther from the heritages of tsarism, it seems unlikely that the party will become a mass organization. Lenin's admonitions of 1905 are so thoroughly engrained in the thinking of party leaders that Soviet leaders may be expected not to think of party membership in terms of the tradition of the large American political parties.

It may also be expected that the party will retain its monopoly. Marxist thinking has always associated a political party with the interests of a single economic class. In a society where but one economic class is declared to exist, there can be but one political party. This is a point on which Soviet political scientists brook no argument, and they have incorporated it in their 1936 constitution.[9] While they will, and must of necessity, countenance the candidature of non-party members in elections, to fill the vast number of elective positions in the country, they are not to be expected to think in terms of support for non-party candidates by a second or third political party. Stalin in 1936 told Roy W. Howard that he expected to see lively election contests between various candidates, but he reiterated the one-party principle as governing in Soviet politics.[10]

The reduction in importance of the Military Commissar in the Army and Fleet was an important event during the war.[11] but it is not thought to mark a change in party leadership. First of all, the change had occurred before in Soviet history.[12] Secondly, the Commissar is still with the Army as political educator and morale officer. He is only removed from a position of equality with the commanding officer. It seems plausible that the responsibilities of warfare placed such burdens upon the commanding officer that consultation and threat of veto by the Military Commissar were incompatible with prompt decision and initiative. There is certainly reason to believe that after twenty-seven years of power, the party has instilled its principles so thoroughly in the average Soviet officer that he acts instinctively, in most instances, in accordance with party principles and no longer needs a guardian to check on his loyalty.

Ownership of the Means of Production. If there be any single index of the extent to which the economic base of Soviet society is being preserved, it is probably to be found in the attitude maintained toward the owner-

[9] Art. 126.

[10] *Interview Between J. Stalin and Roy W. Howard, Mar. 1, 1936* (Eng. ed., Moscow, 1936), p. 13.

[11] *Izvestiya*, No. 239 (7925), Oct. 10, 1942. Principle extended to Red Fleet; see *idem*, No. 242 (7928), Oct. 14, 1942.

[12] See decree of August 2, 1940, *Ved. Verkh. Sov., S.S.R.*, No. 28 (91), Aug. 22, 1940, p. 2. The political commissars were restored to full power on July 16, 1941. See *Izvestiya*, No. 167 (7543), July 17, 1941.

ship of means of production. It was to the question of the ownership of means of production that the Communist Manifesto directed attention in 1848. It is to this point that Soviet economists and political scientists direct their closest attention in preparing their program. The war has not been the occasion for any sharp change in the basic Soviet principle that ownership of the means of production must be retained by the state.

This has not meant that rights in personal property have not been extended. Laws which have been on the books since the period of the NEP have been reëmphasized. Village soviets have been criticized for limiting the period during which privately constructed homes may be occupied to periods less than the fifty years permitted by law.[13] Owners of these small homes are permitted to lease rooms in them to others and are protected in this right, subject, however, to the usual laws against speculation. Control must be retained by the village soviets, and a statute forbids construction of private homes without permission.[14] In some Siberian areas, the development has been marked, as, for example, in cities to which Western European industry has been moved.

In reoccupied areas, the NEP laws relating to private business have been revived. It has been possible for an individual to open small stores and to hire a few neighbors to manufacture simple consumers goods. On the other hand, the high tax rates on private enterprise have continued, and as the Soviet distribution system begins to function and to make goods available at lower prices the economic base for the private entrepreneur is cut out from under him, and he closes his doors. This limited development of private enterprise is not yet the harbinger of private ownership of the means of production.

The wartime tax law has retained the principle of taxing at double rates the incomes of professional people engaged in private practice.[15] In this way, the principle of preference for employment by state agencies is maintained, and private practice is held to a minimum.

Victory gardens have spread throughout the land, and local soviets have been directed to make every possible bit of land available to government corporations and agencies for distribution to employees. Need for locally produced food to supplement a shortage in supply, accentuated by a shortage in transportation, has literally driven every one to the fields. There has developed a sense of pride of responsibility and a feeling for something which is one's own. It will be interesting to see whether the victory garden movement extends into the postwar world. Even if it

[13] "Order of People's Commissariat of Communal Economy," No. 125, Mar. 10, 1941, printed in *Civil Code, R.S.F.S.R.* (1943 ed.), p. 171.

[14] Decree of May 22, 1940, *Collection of Decrees, R.S.F.S.R., 1940*, No. 11, Art. 48.

[15] Decree of December 29, 1941, *Izvestiya*, No. 309 (7685), Dec. 30, 1941. With the end of the war, this statute was repealed.

does, it seems improbable that it could blossom into large-scale private truck gardening and more, for it was conceived and has been accepted as a means of augmenting the individual's food supply, rather than as a source of income.

Collective farm structure has remained the same, except in those areas of the Baltic Republics where the system was not fully established before German occupation, and in which a policy of slow development towards Soviet socialism has apparently been adopted since reoccupation by the Red Army. There has been evident some intensification of the property concept in the right of perpetual use granted each collective farm under the Model Charter of 1935. This took the form of a law in 1942 stating that agricultural collective farms were permitted in livestock areas to till pastures on livestock farms which were not used for grazing; but the privilege was confined to the duration of the war, and the consent of the livestock farm was required.[16]

Administrative Structure. The most marked change in the administrative structure of the U.S.S.R. during the war has been a reëmphasis upon the individual responsibilities of the constituent republics forming the Union. In 1944, amendments were made to the federal constitution and to the constitution of each republic;[17] and these restored some of the authority over foreign and military affairs which the republics had earlier ceded to the Union.[18] With this development, there has been a reversal in the trend of centralization culminating in the 1936 constitution with the declaration that codes of law would become all-union, rather than republic, as they had been since the beginning.[19]

The constitutional changes of 1944 were, however, limited in nature, for the federal government retains the power to designate the general principles under which the newly-created commissariats of defense and of foreign affairs within each republic are to act. The federal government retains the power to represent itself in international relations and to conclude and ratify treaties. It also retains the power to organize the defense of the Union and to direct all Union armed forces. The republics acquire the specific right to enter into direct relations with foreign states, to conclude agreements and exchange diplomatic and consular representation, and to create military units—but only subject to the directing principles established by the federal government.

It may be expected that the movement to place greater responsibilities upon the republics will continue, for various reasons, including the educa-

[16] See *idem*, No. 51 (7737), Mar. 3, 1942.

[17] For English translation of text and Molotov's speech in explanation, see *International Conciliation*, Mar., 1944, No. 398.

[18] For brief outline of constitutional history, see J. N. Hazard, "The Soviet Constitution: An Introduction," *Lawyers Guild Review*, Vol. 3, p. 27 (1943).

[19] Art. 14 (u).

tional value of these responsibilities, the international prestige to be expected for the peoples concerned, and the vistas opened for more direct relations with foreign peoples, especially those living along Soviet borders. On the other hand, the decentralization is not expected to progress to the point of the loose framework of the British Commonwealth of Nations. Presence of the common leadership of the Communist party in each of the republics would assure unity of policy, if there were no other more formal bonds.

Administrative organs within the Union have remained unchanged since the 1936 constitution, with one exception. A State Committee on Defense was created within a week after the German invasion, as a "recognition of necessity."[20] The complete authority of the state was placed in its hands, and all citizens, as well as the Communist party, the Komsomol, the government, and the military forces were required to carry out its orders without question. The Committee has issued only a few published orders such as that establishing compulsory military education for civilian males[21] and that defining the treatment to be accorded spies.[22] All other legislation and executive direction has come from the established bodies and agencies set up by the constitution. With the end of the war, the Committee was abolished and its administrative functions were restored to the Council of People's Commissars.

Elections to the soviets have been postponed annually since the war began, and the authority of the representatives holding office before the war has been extended.[23] The 1941 decree gave the war as the reason. Since the end of the war, election schedules have been restored.

Restrictions on the Individual. Restrictions upon the individual have become extensive during the war. Military service, which had been compulsory for years before the war and had even been incorporated as an article in the constitution of 1936[24] was extended by decree to all males from sixteen to fifty years of age,[25] and all were ordered to take military training in available time outside of regular work.

Production needs have been reflected in several laws. Immediately after the outbreak of war, a decree authorized managers of government enterprises to establish from one to three hours of compulsory overtime for each working day.[26] Under this decree, the working day in industry

[20] See *Izvestiya*, No. 153 (7529), July 1, 1941.

[21] See *idem*, No. 221 (7597), Sept. 18, 1941.

[22] See *idem*, No. 249 (7625), Oct. 21, 1941.

[23] See R.S.F.S.R. decree, dated Dec. 24, 1941, *idem*, No. 304 (7680), Dec. 25, 1941, and decrees for subsequent years, *idem*, No. 289 (7975), Dec. 10, 1942; *idem*, No. 297 (8290), Dec. 17, 1943, and *idem*, No. 303 (8605), Dec. 24, 1944.

[24] Art. 132. [25] See *lex cit. supra*, note 25.

[26] See *Izvestiya*, No. 150 (7526), June 27, 1941.

became eleven hours, except for children under sixteen, who could not be required to do more than two hours' overtime, and pregnant women, who were excused from overtime for six months before and after childbirth. Vacations were abolished, except in the case of illness or of childbearing. Compensatory pay was required. With the end of the war, the peacetime laws have been restored.

An even more far-reaching law was that of December 26, 1941, which froze jobs of all workers of both sexes in defense industries.[27] Persons who left jobs, even though an industry was evacuated to another area, were subject to prosecution for desertion before a military court and to punishment with imprisonment for terms from five to eight years. This law put teeth into a policy adopted in 1940 denying to all workers the right to leave jobs without permission, except in cases of ill health or withdrawal to enter a technical training school.[28] Upon the end of the war, a victory amnesty released persons convicted under the war-time statute.

It seems not unlikely that this restrictive policy will be continued for some years after the war. Large new industrial developments have been undertaken in Siberia and Central Asia during the war, and have been manned by people from the West. To permit such people to return at will to the areas of their birth would depopulate new industrial areas required for postwar reconstruction and overpopulate areas long crowded.[29] While efforts of a psychological nature will undoubtedly be tried in the first instance to retain Siberian and Central Asian populations at their new places of work, it may be expected that if these are unsuccessful on a large scale, recourse will be had to legislation.

The fact was apparent before the war that the rural areas of the European part of the U.S.S.R. were overpopulated and the industrial needs of the country unfilled. To meet this situation when production became imperative for the war, the government introduced a form of labor conscription from rural areas, under which each area was required to send up for industrial training a certain number of its young men.[30] This policy may be expected to continue, if other means of attracting the excess rural population to the industrial projects prove unsuccessful.

The Family. The family, which has been reëmerging as a basic social force, has received new stimulus since the war with the decree on marriage and divorce.[31] In the mid-1930's, parents were given strong disci-

[27] See *idem*, No. 306 (7682), Dec. 27, 1941.

[28] See decree of June 26, 1940, *Ved. Verkh. Sov. S.S.S.R.*, No. 20 (83), p. 1.

[29] For an analysis of Soviet population trends, see Notestein and others, *The Future Population of Europe and the Soviet Union; Population Projections, 1940–1970.* League of Nations, 1944. II.A.2.

[30] Law of October 2, 1940, *Ved. Verkh. Sov., S.S.S.R.*, No. 37 (100), Oct. 9, 1940.

[31] Decree of July 8, 1944, *Izvestiya*, No. 162 (8464), July 9, 1944; for translation, see Embassy of the U.S.S.R., *Information Bulletin*, Vol. 4, No. 84 (July 25, 1944).

plinary powers over their offspring, and were to be penalized if their children committed crimes. At this same time, educational campaigns were begun to strengthen the family. Divorce was discouraged, and a decree developed a system of moderately increasing registration fees in the event of multiple divorces.

With the war, the movement has gone further. A marriage must be registered to have legal effect, and the former recognition of what amounted to common law marriages is no longer in force. At the same time, divorces are removed from the administrative registration bureau, and can be granted only by a court. Registration fees are increased several fold, to sums ranging from 500 to 2,000 rubles. No grounds are set by law as justifying divorce, the court being required to use its discretion. Children born out of wedlock are no longer the responsibility of the father and take the family name of the mother. No concept of illegitimacy, however, is introduced.

A tax was imposed on childless persons in 1941, with broad exceptions.[32] It was increased in 1944 and made to fall on persons with not more than two children, and exceptions were further narrowed.[33] The policy of the government to increase the size of families was clearly enunciated in a decree creating the Order of Motherhood for mothers of ten children, with lesser orders for those with fewer.[34] Premiums were extended in 1944 to mothers after the birth of the second child, rather than after the birth of the sixth child, as had previously been the case. It seems apparent that the new Soviet family is to be large and based upon firm marriage bonds.

The Church. Passage of time has dissipated the hostile political force which the Greek Orthodox Church was believed to wield during the early years of the Revolution. Church leaders seized the occasion of the war to call upon true believers to support the Soviet government in the war for the Fatherland.[35] In so doing, they proved to the government that times had changed, and the action of various Orthodox priests in aiding guerillas and Red Army men confirmed that belief. The government has responded by permitting the Church greater liberties than it has enjoyed since the Revolution. Holy synods have been called, and a church school for adults has been opened.

To provide liaison between the government and the Church, a State Council on Religion has been established, and this has been followed by

[32] Decree of November 21, 1941, *Pravda*, No. 326 (8734), Nov. 24, 1941.

[33] See *lex cit. supra*, note 31, secs. 16–18. [34] See *idem*, secs. 12–15.

[35] For Church pronouncements, see *Russkaya Pravoslavnaya Tserkov i Velikaya Otechestvennaya Voina, Sbornik Tserkovnykh Dokumentov* (Moscow, no date). (c. 1943).

the creation of another Council for the non-Orthodox sects.[36] These councils provide control, in a sense, but they also provide a place to which congregations can turn for the official stamp of approval without which even the simpler problems of a parish could hardly be solved in the U.S.S.R.

It seems likely that the Church will flourish in the postwar world, in that it will be given an opportunity to renew its international ties and to minister to those interested. It seems unlikely, however, that the Communist party will change its views on religion; and people who aspire to membership or to positions of great responsibility will probably bear this in mind in considering what the Church has to offer them.

Stratification. The war has brought rewards to ranking soldiers and factory managers which have set them apart from their fellows. Epaulettes were introduced into the Army in January, 1943,[37] while in July 1943[38] officers ranks were created in the Red Army and Red Fleet. Sons of soldiers were given special privileges by a decree in August, 1943[39], establishing the Suvorov Military Schools for the training of boys who would make the army their career.

With the prestige of rank and uniform developing in the Army and Navy, there came a parallel development in the supporting civilian services. Military ranks, titles, and uniforms were adopted in September, 1943[40], for railroad employees, following militarization of the railroads in April of that year.[41] The state prosecutors were put in uniform in September, 1943,[42] followed by the diplomatic corps of the U.S.S.R. the next month.[43]

Management in state industry and trade had been receiving increasing public recognition and higher salaries ever since the emphasis upon production with the Five Year plans. Although uniforms have not been introduced, managers in increasing numbers have been decorated with orders and rewarded with special gifts since the war began.

While the shape of the future is not yet clear in the social sphere, it seems likely that rewards for successful state employees in production and in the military services will continue under the slogan Soviet writers hail as the principle of socialism: "From each according to his ability, to each according to his toil." There is no indication that this process will

[36] See *Pravda*, No. 249 (9385), Oct. 8, 1943, and *idem*, No. 157 (9614), July 1, 1944.

[37] See *Izvestiya*, No. 14 (8007), Jan. 17, 1943.

[38] See *idem*, No. 176 (8169), July 28, 1943.

[39] See *idem*, No. 198 (8191), Aug. 22, 1943.

[40] See *idem*, No. 210 (8203), Sept. 5, 1943.

[41] See *idem*, No. 89 (8082), Apr. 16, 1943.

[42] See *idem*, No. 227 (8220), Sept. 25, 1943.

[43] See *idem*, No. 239 (8232), Oct. 9, 1943.

result in division into classes in the Marxian sense of the word, and there is no move to create an owning class which can live by virtue of a return on capital. On the other hand, this process might result in continuing sharp differences in the economic and social position of the outstanding contributors to Soviet progress and prestige. At this writing, it seems improbable that such a development will continue unchecked until basic concepts of the Revolution are put aside.

The purges of the 1930's bear witness to the resilience of basic principles even though such principles were not the only factors involved in the purges. With the emergency of the war relieving the leadership of complete dependence upon the factory manager and the officer, it may be expected that men trained in the school of Soviet political theory will return to a position of dominance. Those who do not adapt themselves to the basic concepts of Soviet socialism may look for sharp curtailment of their powers and prestige.

Conclusion. The Soviet Union underwent some sharp social changes during the war, many of which can be expected to continue into the postwar world. On the other hand, political theory and economic control in the state remain unchanged. Unless new factors enter the situation, it seems most likely that the Soviet Union of tomorrow will bear more resemblance to the Soviet Union of today than to pre-revolutionary Russia, or to the nations with which Americans are most familiar.

INTERNATIONAL AFFAIRS

TOWARDS AN ARAB UNION: THE LEAGUE OF ARAB STATES

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"The Arab World," said Mr. Anthony Eden, British Secretary of State for Foreign Affairs, in his speech at the Mansion House, May 29, 1941, "has made great strides since the settlement reached at the end of the last war, and many Arab thinkers desire for the Arab peoples a greater degree of unity than they now enjoy. In reaching out towards this unity, they hope for our support. No such appeal from our friends should go unanswered. It seems to me both natural and right that the cultural and economic ties, too, should be strengthened. His Majesty's Government for their part will give their full support to any scheme that commands general approval."

The Arab nationalists long ago aspired to achieve the ideal of an Arab union, or federation. But, they maintained, European imperialism had deliberately prevented the realization of that ideal. The Arabs had fought on the side of the Allies in the first World War in order to achieve their freedom from Ottoman rule; but, following that war, the Arab World was detached from Turkish sovereignty only to be dominated by European Powers who, by applying the principle of mandatory tutelage, sought to satisfy their imperialistic interests. Moreover, the nationalists contended, the Arab World was deliberately divided into separate countries in order to make easy their domination by creating small and hopelessly weak states.

During the first World War, Great Britain pledged the Arabs unity and independence by the Hussain-MacMahon correspondence. Meanwhile the Arab countries were neatly divided into spheres of influence among the Great Powers by the Sykes-Picot agreement. The Hussain-MacMahon and Sykes-Picot agreements may not be sharply contradictory in letter, but they are difficult to reconcile in spirit. Moreover, the independence and unity of the Arab World had been considerably encroached upon by the imposition of the mandatory tutelage and the Balfour Declaration. The latter practically aimed at an eventual transfer of the Holy Lands from Arab hands to Jewish. The former, while "provisionally" recognizing the independence of Arab countries, did not leave the internal administration entirely to the indigenous people. When the second World War broke out, after twenty years of mandatory tutelage, only Iraq had been able to attain its independence, while Syria and the Lebanon were still unsuccessfully struggling to gain their full freedom.

The situation in Palestine, on the other hand, had deteriorated through continual civil strife between Arabs and Jews; while Axis propaganda did not fail to make Great Britain alone responsible for the whole affair.

Upon the collapse of France in June, 1940, the international situation in the Middle East was considerably altered. There were rumors that military and naval bases in Syria and the Lebanon might be used by Germany and Italy against France's former ally, Great Britain. The Vichy Government denied any thought of handing over bases to the Axis Powers. But gradually Axis influence in the Levant increased and an Armistice Commission, composed of Germans and Italians, was sent to Syria and the Lebanon to supervise the mandatory administration. This development in the international situation was in favor of the ultra-nationalists, who saw in German victory the salvation of Palestine and all of the Arab countries from Western imperialism. The liberal nationalists, who were in favor of coöperation with the democratic Powers, were put into the background and the Axis sympathizers, civil and military, came to the fore. Syria and the Lebanon had already gone, after the collapse of France, to the Axis Powers; while the Rashid-Ali *coup d'état* had undermined the influence and prestige of Great Britain in Iraq.

The turn of events in the spring of 1941, moreover, immensely enhanced Axis prestige in the Middle East. The Germans were able to advance rapidly to the south-east of Europe and to crush Yugoslavia ruthlessly and then turned to the heroic Greek army which had kept Mussolini's armed forces in retreat for over five months. The British Eighth Army, on the other hand, which had successfully defeated Marshal Graziani's well-equipped Libyan forces, was obliged in April, 1941, to retreat when the German Afrika Corps, under the able command of General Erwin Rommel, was sent to reinforce the Italian army and at once advanced successfully into Egypt beyond Halfaya Pass.

Under the circumstances, Great Britain, with a foresight worthy of its traditional prestige in diplomacy, wisely decided to enhance the prestige of the liberal nationalists by promising support of Arab unity and independence. As early as May 5, 1941, Mr. Eden, in answer to a question raised in the House of Commons, expressed, on behalf of "His Majesty's Government, great sympathy with Syrian aspirations for independence," and on May 29, in his famous Mansion House speech, he announced Great Britain's forward policy towards the independence and unity of the Arabs, declaring that "His Majesty's Government will give full support to any scheme" that the Arabs desire for a "greater degree of unity than they now enjoy." Such a program would not come into conflict with Great Britain's main interests in the Middle East; rather it would make Great Britain more popular in the Arab World, to the disadvantage of other interested Powers in the same area. Moreover, Great Britain is

considered a pro-Islamic and pro-Arab Power; it is therefore bound to take into consideration the national aspirations of the Arabs. The proclamation of General Catroux on June 8, 1941, to the Syrians and the Lebanese declaring the termination of the mandate and the granting of independence was to the great satisfaction of the liberal nationalists. Great Britain endorsed that proclamation and promised respect for the independence of Iraq following the collapse of the Rashid Ali régime.

Mr. Eden's declarations of May, 1941, aroused great interest in the Arab World, but no immediate action followed. Probably the military and political situation in the Middle East was not yet favorable for any definite step. Moreover, the problem of Palestine was still pending an equitable settlement from an Arab point of view. Finally, the issue of the war still hung in the balance, and therefore it was premature to inaugurate any positive plan of political reconstruction in the Arab World.

II

When the general situation in the Middle East improved, Mr. Eden, on February 24, 1943, in answer to a question raised in the House of Commons, reiterated the assurance already given to the Arabs in his Mansion House speech (May 29, 1941) that Great Britain would support an Arab union. He said: "As I have already made plain, the British Government would view with sympathy any movement among the Arabs to promote economic, cultural, or political unity, but clearly the initiative in any scheme would have to come from the Arabs themselves. So far as I am aware, no such scheme which commands general approval has yet been worked out."

The liberal nationalists in the Arab World immediately reacted favorably toward Great Britain's forward policy, and the question of Arab unity became the leading topic of the day. Amir Abdullah of Transjordan urged immediate and prompt action and suggested that a general Arab Conference should meet to deliberate as to the ways and means of achieving Arab unity. In like manner, Arab leaders in Syria, Iraq, and Egypt asserted that the opportune moment had come and suggested that a general Arab conference be called for immediate action.

Syria, Palestine, and Iraq have been the most active exponent of Pan-Arabism since the settlement of the first World War. Since Iraq alone attained its independence in 1932, it became the center of political activities and the hotbed of Pan-Arabists. Egypt only lately developed interest in the Pan-Arab movement, since it had taken an independent course, from the days of Muhammad Ali, towards the fulfillment of its national aspirations. The Egyptian Government has taken the initiative in the present Arab movement, because it is conscious of the immense tangible advantages to be gained, especially if Egypt itself should become

the leader of a block of Arab countries whose prestige would be enhanced at the Peace Conference as well as in any future international organization in which the Arab countries will take part. In assuming such a leadership, the Egyptian Government may have been encouraged by Great Britain. But Egypt is certainly the most formidable country in the Middle East, economically and culturally, and its political leadership has been welcomed by the whole Arab World.

On March 30, 1943, the Egyptian Government declared its attitude toward Mr. Eden's statement of February 23, 1943, on Arab unity. In reply to a question raised in the Chamber of Deputies, a statement was made by Sabri Abu Alam Pasha, Minister of Justice, who, in the absence of Prime Minister Mustafa Nahas Pasha, stated the latter's opinion in the following terms:

"I have been long ago interested in the affairs of the Arab countries and in the coöperation for the realization of their aspirations towards independence and freedom . . . In this respect I have been able to reach some successful steps; one of them was that the system of government in certain Arab countries has been modified in order to fulfill their real national aspirations.[1]

"Ever since Mr. Eden had made his declaration I have given [the problem of Arab unity] my consideration; and I thought that the matter should be undertaken by the official Arab Governments themselves. I came to the conclusion that it would be better if the Egyptian Government itself should take the initial official steps in this respect. First, the opinions of each Arab Government would be sounded as to what would be its aspirations. Then [the Egyptian Government] would endeavour to bring together and reconcile the various opinions as much as possible. [the Egyptian Government] will then proceed to invite [the Arab Governments] to a friendly meeting in Egypt in order that the movement towards Arab unity would proceed to an effective agreement. Should such an agreement be reached, a conference will then be called in Egypt, presided over by the head of the Egyptian Government, in order to continue discussions of the subject and to make certain proposals for the realization of the objects aimed at by the Arab countries. These are the best possible steps to be taken in order that the scheme would be successful.

"Last Saturday I discussed the matter with His Excellency Tahsin beg Al-Askari, Iraq's Minister of Interior, and His Excellency Jmil beg Al-Midfai . . . Moreover, I sent an official invitation to His Excellency Nuri Al-Said Pasha, Prime Minister of Iraq, who, should he agree with this procedure, will study the matter from the Iraqi point of view politically, economically, and socially, but especially from the political point of view. Then I shall send invitations to the various Arab Governments to send their representatives to Egypt in order to sound out their views respectively on the same subject.

"When such preparatory discussions have been completed and, I hope, will have been successful, the Egyptian Government will then invite [the Arab Governments] to a conference to be held in Egypt."

Prime Minister Nahas Pasha began at once to carry out his proposed plan. He asked the various Arab Governments to send their representa-

[1] Prime Minister Nahas Pasha refers in this statement to his endeavors for the realization of the Syrian and Lebanese aspirations.

tives to Cairo in order to sound their official opinions separately. The first Arab country to respond to Nahas Pasha's invitations was Iraq. General Nuri Al-Said Pasha, prime minister of Iraq, went in person to Cairo, and his conversations with Nahas Pasha lasted from July 31 to August 5, 1943. These conversations were merely "an exchange of personal views on the project," as General Nuri declared in Baghdad upon his return from Cairo. These views were not made public, since it was decided that the Arab Union conversations should be conducted in complete secrecy, pending the laying down of a basis for the scheme. General Nuri's plan, however, is no more a secret. He had already stated his scheme of Arab unity in a note entitled "Arab Independence and Unity," which he submitted early in 1943 to Mr. R. G. Casey, then Great Britain's Minister of State in Cairo. The plan may be summarized in the following terms:[2] (1) Syria, the Lebanon, Palestine, and Transjordan to be reunited into one state; (2) the people of that state to decide its form of government—whether monarchical or republican, whether unitary or federal; (3) an Arab League to be formed, Iraq and Syria (i.e., Greater Syria) to join at once, while other Arab states can join if and when they desire; (4) the Arab League to have a Permanent Council nominated by member states and presided over by one of the rulers of the states, to be chosen by the states concerned; (5) the Council of the Arab League to be responsible for (a) defense, (b) foreign affairs, (c) currency, (d) communications, (e) customs, and (f) protection of minority rights; (6) Jews in Palestine to have semi-autonomy, their own rural and urban district administration, including schools, health, and police, being subject to general supervision by the Syrian state; (7) Jerusalem to have a special commission of three theocratic religions to ensure free access and worship; and (8) if required, the Maronites in the Lebanon to have a privileged régime such as they had under the Ottoman Empire. (The last three arrangements—6, 7, and 8—to be under international guarantee.)

Next to Iraq, Transjordan sent its delegation to Cairo, headed by its prime minister, Tawfiq Abul Huda Pasha, and the conversations with Nahas Pasha lasted from August 28 to September 1, 1943. The views of Amir Abdullah, ruler of Transjordan, like those of General Nuri of Iraq, were made known in 1943. He stood for full Arab union, and especially for the so-called "Greater Syria" plan, comprising Syria, Palestine, and Transjordan.

The Syrian and Lebanese Governments decided to exchange together their points of view before sending their representatives to Cairo. Thereupon the Syrian and Lebanese prime ministers, Sadulla beg al-Jabiri and

[2] General Nuri al-Said, *Arab Independence and Unity* (Baghdad, Government Press, 1943), p. 11. The plan is summarized in Colonel S. F. Newcombe, "A Forecast of Arab Unity," *Journal of the Royal Central Asian Society* (1943), p. 158.

Riadh beg al-Sulh, and their foreign ministers, Jamil beg Mardam and Salim beg Taqla, met at Shtura, in the Lebanor, on October 10, 1943, in order to clarify certain points and to discuss the attitude to be taken in Cairo as to the future status of Syria and the Lebanon within the scheme of Arab Union. Following that meeting, Prime Minister Sadullah beg al-Jabiri and his foreign minister, Jamil beg Mardam, went to Egypt, and their conversations with Nahas Pasha lasted from October 26 to November 3, 1943. Syria stood for full Arab union and was prepared to accept a plan in which all the Arab countries would join as one united state. Syria's position is clearly and emphatically stated by Prime Minister Sadullah beg al-Jahiri, quoting Shukri al-Quwatli, President of Syria, as follows: "Syria will refuse to have raised in her sky any flag higher than her own, save that of an Arab Union."

In January, 1944, the Lebanese delegation, headed by its prime minister, Riadh beg al-Sulh, went to Cairo, and the conversations with Nahas Pasha lasted from January 9 to January 13. The Lebanon was not prepared to go as far as Syria, but pledged full coöperation with the Arabs for the establishment of a League of Arab States. In regard to the Lebanon's relations with Western Powers, Prime Minister Riadh al-Sulh declared: "The Lebanon has pledged itself, as already declared by its Government, that it will never be a seat of [foreign] imperialism nor a channel for the colonization of its sister Arab countries."

The representatives of Saudi Arabia and Yeman arrived in Cairo only after a preliminary exchange of letters between Nahas Pasha and the rulers of these two countries. On October 10, 1943, Shaikh Yasuf Yasim, King Iban Saud's representative, arrived in Cairo, and his conversations with Nahas Pasha lasted from October 11 to October 19. The conversations were not completed, since Shaikh Yusuf demanded that his sovereign's approval be obtained before the final declaration was made. On November 2, conversations were resumed, and they were completed on the same day. The representative of Yeman, Sayid Hussain Al-Kabsi, Minister of Waqf (Pious Foundations), arrived in Cairo early in February, 1944. He carried a message to Nahas Pasha containing the views of Imam Yahya, king of Yeman, on Arab union, written by Imam Yahya himself. The conversations between Sayid Hussain and Nahas Pasha lasted from February 6 to February 9, 1944. These conversations were of a non-committal nature and hardly contributed any positive plan to the scheme of Arab unity.

When, however, a certain slowness was noticed in the procedure followed by Nahas Pasha, comments were made in the press as to when the proposed Arab Conference would take place. On July 12, 1944, in answer to a question raised in the Egyptian Senate, Nahas Pasha declared: "I am still immensely interested in the project of Arab unity and my

efforts in a liaison capacity for its success continue . . . I have recently written to the governments of Iraq, Transjordan, Saudi Arabia, Syria, the Lebanon, and Yeman, notifying them of the formation of a Preparatory Committee to record the views agreed upon in our preliminary meetings, to complete any investigation required on any particular subject, and to prepare for a general Arab Conference . . . "

III

Early in April, 1944, it was reported from Cairo that the Egyptian Government was making arrangements for the meeting of a Preparatory Committee during the following summer—a meeting to be attended by delegations of the Arab countries who participated in the initial conversations. On September 25, 1944, Nahas Pasha opened the meeting at the Antoniades Palace in Alexandria. Before the meeting there was a widely held opinion that an Arab conference without a Palestinian delegate "was a contradiction of terms." An invitation was accordingly extended to Palestine to send a representative; Musa beg al-Alami was selected as such representative of the various Arab parties in Palestine; and he presented the Palestine case before the Preparatory Committee. The representatives of Saudi Arabia and Yeman arrived later, but it was realized that their absence from the early meetings was not to delay the work of the Committee.

In his opening speech, Nahas Pasha outlined the work of the Preparatory Committee and declared that the delegates were to be asked to outline first their views of the Arab unity scheme as already stated separately during the preliminary conversations. The Committee was then to proceed to work out a general scheme which would be acceptable to all.

Syria stood for full union, with one central government for all the Arab countries. But it was soon realized that the other Arab countries were not prepared to go this far under the circumstances. Iraq and Transjordan accordingly proposed union on the basis of the sovereign equality of all the Arab countries. Syria and the Lebanon supported Iraq, and later Saudi Arabia and Yeman accepted the proposed plan. As for Egypt, Nahas Pasha declared, stating the attitude of his Government, that he was prepared to go along the path of Arab unity as far as the other Arab countries were jointly prepared to proceed.

At this stage the "Greater Syria" plan was fully discussed as a preliminary step for full Arab union. Both Syria and Transjordan welcomed the scheme, but the latter supported the plan only on the understanding that the present ruler of Transjordan, Amir Abdullah, should become the king of that state. Syria was not prepared to abandon its republican régime and demanded that Transjordan, as a former province of Syria

under the Ottoman administration, be annexed to the Syrian Republic.

The "Greater Syria" plan, plausible as it may seem, was not received with much favor, because it led to a clash of personalities. It was realized, likewise, that it was not possible to include the Lebanon and Palestine in the plan. No wonder, therefore, that the plan was entirely abandoned under the circumstances, and even repudiated by various Arab countries.

The Lebanon pledged full coöperation with the Arabic countries with the understanding that its independence would be respected. In regard to the Lebanon's relations with Western powers, Prime Minister Riadh al-Sulh reiterated his famous declaration that "the Lebanon has pledged itself . . . that it will never be a seat of imperialism nor a channel for the colonization of its sister Arab countries."

The representatives of Saudi Arabia and Yeman hardly contributed any positive plan; they declared, moreover, that any plan to be eventually agreed upon must first be submitted to their sovereigns for approval before they could sign it.

Finally, Musa beg Al-Alami, representative of the Arab parties in Palestine, was asked to state the case of his country. He stressed the gravity of the Arab position in Palestine, owing to Jewish immigration and to the sale of Arab lands to the Jews, and asked for consideration of this urgent problem. He declared that Palestine is a trust in the hands of the Arab countries whose salvation was entirely dependent upon their concerted actior. It was decided accordingly that a special fund should be raised in order to buy lands liable to be sold to Jews, as well as to establish an Arab Bureau in London and Washington in order to present the Arab case to the English and American public.

In spite of certain initial difficulties, which were overcome by dropping the more idealistic proposals, the Preparatory Committee reached certain definite conclusions. At the outset, it was maintained that full union could not be adopted under the circumstances, not even in the form of a federation. It was decided accordingly that a League of Arab States should be established, composed only of the independent Arab states. The aim of this League would be to settle any dispute that might arise between two or more of the member states, without resort to violence. The nature and structure of the League was left to be worked out in the Arab conference convened in March, 1945. Six committees were nominated to study the various aspects of coöperation between the Arab states, namely, the political, social, health, cultural, passport and transportation, and economic committees. Various other decisions were made, especially concerning Palestine, which was regarded as an important Arab country. Pledges given by Great Britain to the Jews were thought to belong in fact to the Arabs. A declaration was made also recognizing the independence of the Lebanon within its present boundaries. These

decisions were embodied in a protocol signed by the Arab states on October 7, 1944.

Finally, two resolutions of cardinal importance were adopted by the Preparatory Committee. The first prohibited the use of violence by any Arab state against another and laid down the principle that any difference between two Arab states should be referred to the League of Arab States. The other stipulated that no Arab country should enter into any agreement with a foreign power which may encroach upon the interests of another Arab country.

It remained for the Preparatory Committee to draw up a draft pact for the new organization and to call an Arab Conference to discuss its provisions. Some of the six committees already nominated by the Alexandria Conference began to work out the details of the Pact. But mention must be especially made of the political committee which prepared the draft for the Preparatory Committee. Having laid down the provisions of the Pact in March, 1945, the Arab delegates who worked out the Pact in the capacity of the Preparatory Committee met formally as an Arab Conference and signed the Pact, or "Covenant," of the Arab League on March 22, 1945.

The Pact states the aims of the League as a means to "strengthen the close relations and numerous ties which bind the Arab States," and to "coördinate their political activities with the aim of realizing a close collaboration among them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries." The League recognized the independence and sovereignty of each Arab state and the right to adhere or secede from this organization. Members of the League are the independent Arab states only, and the pact provides that states which have not signed the Pact shall have a right to adhere to the League.

The League is made up of a Council composed of the representatives of the member states. Each has one vote only, regardless of the number of its representatives. The Council is entrusted with the task of achieving the aims of the League and of "collaboration with the international organizations which may be created in the future to guarantee peace and security and organize economic and social relations." The League also aims at "close coöperation of the member states, with due regard to the structure of each of these states and the conditions prevailing therein, in the following matters: (1) economic and financial matters, including trade customs, currency, agriculture, and industry; (2) communications, including railways, roads, aviation, navigation, and posts and telegraphs; (3) cultural matters; (4) matters connected with nationality, passports, visas, executions of judgments, and extradition; (5) social welfare matters; and (6) health matters."

A special committee is to be formed for each of the foregoing matters, and "these committees shall be entrusted with establishing the bases and scope of coöperation in the form of draft agreements which shall be submitted to the Council for its consideration preparatory to their being submitted to the states referred to."

Resort to force for the settlement of disputes between member states is forbidden. Any dispute that may arise between one member and another is to be referred to the Council of the League, whose decision shall be effective and obligatory except in matters involving the independence, sovereignty, or territorial integrity of the member states. The Council of the League can mediate in any dispute which may lead to war between two member states or between one member state and another in order to conciliate them. In case of aggression, or threat of aggression, the Council, by request of the threatened state, takes the necessary measures to repel it. The League is to have a permanent General Secretariat, composed of a secretary-general, assistant secretaries, and other officials. Its permanent seat is to be Cairo, but the Council can meet at any other place.

The organization provided for in the present pact does not prevent some of the member states from establishing among themselves closer collaboration and stronger bonds. Any member state, on the other hand, may withdraw from the League, provided the Council is informed of its intention a year before the withdrawal takes effect.

IV

The machinery set forth in the Arab League does not yet provide means of unity which would satisfy the advocates of Pan-Arabism. It is rather a sort of "regional arrangement" which fits very well within the provisions laid down in the Dumbarton Oaks Proposals, as amended and supplemented by the San Francisco Conference. The objective of the Arab League, however, as a Regional Arrangement, extends beyond the domain of security and peaceful settlement, because it aims at a closer unity among the Arab states than they have so far achieved. The pact has indeed provided possibilities for closer unity between certain members of the Arab League, and such a step might lead eventually to closer unity among the other states members of the League.

But is union necessary for all the Arab states? Is it more advantageous for the states to unite and form one union or remain as they are, forming an aggregate of separate independent states? While it is recognized that the realization of one united Arab state would be unlikely for an indefinite future, there is at least the possibility that the Arabic speaking peoples, whose cultural uniformity is not sharply contradicted by environmental divisions, can form a federal union or a confederation of

Arab states. It seems both reasonable and natural for any people with a community of interests to unite on a federal basis. The Arabs long ago realized that they have common interests and aspirations, sufficiently important to form a union. Moreover, they had bitter experience with disunity during the period between the two World Wars. A kind of Arab "interdependence feeling," accordingly, has emerged which is particularly sensitive in its reaction to any encroachment on the independence and political integrity of the Arab countries. The Franco-Lebanese crisis of 1943 and the Franco-Syrian crisis of 1945 have stirred the whole Arab World and given sufficient grounds for the belief that the Arab countries are ready to coöperate and to act together when there is need. During the recent Franco-Syrian crisis, the Council of the Arab League met on June 4, 1945, and after a few meetings it passed a resolution on June 7 declaring that France had committed aggression on Syria and the Lebanon and supporting the demand of Syria and the Lebanon for the immediate evacuation of all French troops from the Levant. The Council then declared that "in accordance with Article six of its covenant [providing mutual aid for a member attacked] the Arab League has decided to take necessary measures in order to resist French aggression."

The Arab League showed further evidences of coöperation in the United Nations Conference on International Organization held in San Francisco. Five states of the League were represented, namely, Iraq, Syria, the Lebanon, Saudi Arabia, and Egypt; and the delegations of these states stood together as one *bloc* in all matters of common interest to the Arab World. They will most likely take the same attitude in any future international conference, as well as in the new United Nations Organization.

The League of Arab States is regarded by predominant opinion in the Arab World as a step toward the realization of a future United Arab State. Arabs are quite aware of the difficulties which must be overcome before that ultimate objective is reached. The present arrangement, accordingly, is only a transitional stage which most likely will lead to closer unity between certain Arab countries, such as Syria and Transjordan, and later probably between Iraq, Syria, the Lebanon, and Palestine. The Arab League will then be maintained only to provide a medium of coöperation between the Arab Union and those countries which have remained outside the Union.

SHALL ENEMY PROPERTY BE RETURNED? A LONG-TERM VIEW*

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The ultimate disposition of some hundreds of million dollars' worth of property of enemy aliens, now under the control of the United States government, awaits a decision. In addition to patents, trademarks, copyrights, etc., the Alien Property Custodian has subjected to control enemy property amounting to nearly 200 million dollars, composed primarily of business enterprises. The United States Treasury has blocked some 330 million dollars worth of the assets of enemy nationals not involving control over specific productive assets.

Many international lawyers hold that international law requires post-war restitution of, or in lieu of restitution compensation for, enemy private property sequestered during a war; and an important question of policy now presents itself. This article, on the basis of long-term considerations, advocates a policy of restitution.

I. DISTINCTION BETWEEN RESTITUTION AND COMPENSATION

The distinction between restitution and compensation is, of course, significant in developing a policy on treatment of enemy property. Restitution, which consists in returning the property in a form as similar as possible to that in which it was taken over, was contemplated where it should be feasible in the original Trading with the Enemy Act of 1917, under which enemy property was sequestered in the last war. Section 12 of that act gave the Alien Property Custodian the powers of a "common-law trustee," and a sale or other disposition of the property was to be made only "when necessary to prevent waste and protect such property and to the end that the interests of the United States in such property and rights, or of such person as may ultimately become entitled thereto, or the proceeds thereof, may be preserved and safeguarded." Compensation involves the sale or other disposition of the property and eventual return to the previous owner of the actual proceeds of sale or money representing the property's value.

The Alien Property Custodian says that "the program of converting vested property into cash does not in any way prejudice the character of any ultimate settlement" and that the "original owners are in general interested not in specific pieces of property but in the economic value

* The attitudes expressed in this article are those of the writer only, who, however, desires to make appreciative acknowledgment of the encouragement and help received from Dr. Robert R. Wilson of Duke University and Mr. Walter Hollis.

of their property as a source of income."[1] He indicates that compensation, at current market prices, will satisfy the owners as well as restitution. One may question this assumption, since the current market price would ordinarily not be as great as the value the property had as a "going concern"—as an integral part of the economy of the country where it is located. For instance, without the know-how of the previous owners, their personal skills, and long-time familiarity with the technical and competitive ins and outs of a business, its productive and profit-making possibilities may be considerably less. Also the former owner of a property might not be permitted to convert the dollars he receives for it into the currency of his own country, or might not be able to do it on terms satisfactory to him. Furthermore, the owner might have an interest in retaining the property quite apart from its pecuniary value.

Nevertheless, in cases where liquidation has taken place compensation on a fair-value basis would ordinarily be the most that could be done for the owner. Although for convenience in the following discussion of a desirable policy compensation has not ordinarily been separately mentioned, references to restitution are meant to apply also, where appropriate, to cases in which, because of previous liquidation or for other reasons, compensation would take the place of restitution.

II. PROPOSALS MADE IMPLY NON-RETURN

The general implication of action and statements relative to enemy property sequestered by the United States Government appears to be that the property will not be returned. A similar implication exists in inter-governmental pronouncements to which the United States is a party covering the treatment of enemy property in the Western hemisphere. The Alien Property Custodian has stated: "Our third responsibility is undertaken on the specific instruction of the President. We shall refuse to sell or to release title to the enemy patents. The inventions covered by these patents *will be made a permanent possession of the American people*, and, through freely granted licenses, they will be incorporated in our national industrial machinery."[2] (Italics mine.)

Although up to April, 1945, the Alien Property Custodian sold only a negligible portion of the business enterprises which he had subjected to control, he intended, as soon as the necessary arrangements could be made, to sell all such property except enterprises which, in the national interest, it might be desirable to keep under control for a longer period.[3]

[1] *Annual Report of Alien Property Custodian, 1942–43*, p. 70.

[2] Alien Property Custodian, *Patents at Work—A Statement of Policy* (Jan., 1943), p. 11.

[3] For statement of policy in this regard, see *Annual Report of Alien Property Custodian, 1942–43*, especially p. 66.

The Treasury Department has stated that it "is the policy of the United States Government to eliminate all financial and commercial activity engaged in by individuals and concerns within the United States whose influence or activity is deemed inimical to the defense of the Western Hemisphere."[4]

On November 15, 1943, Representative Gearhart introduced a bill (H. R. 3672) which would have brought about the sale of enemy patents, trademarks, copyrights, and other enemy property in the United States, impounding their proceeds, together with enemy funds in the United States, in an account to be used after the war to reimburse American nationals for losses sustained by them due to the action of enemy governments. The bill enunciated the policy that enemy governments should, as part of the peace settlement, reimburse their nationals in full for their property in the United States seized by the United States government.

At a conference held in Washington in 1942, all of the American Republics, including the United States, joined in recommending, among other things, that each of these countries adopt as soon as possible "all necessary measures . . . to eliminate from the commercial, agricultural, industrial, and financial life of the American Republics all influence of governments, nations, and persons within such nations who, through natural or juridical persons or by any other means, are, in the opinion of the respective governments, acting against the political and economic independence or security of such Republics." The declaration went on to recommend that businesses, properties, and rights of such natural or juridical persons in the American Republics should be forcibly transferred or totally liquidated or—if the American Republic government concerned should prefer—blocked, occupied, or intervened.[5]

III. REASONS FOR RESTITUTION

However, such a policy of liquidation of enemy interests in this hemisphere seems undesirable, from the points of view both of avoiding permanent politico-economic warfare and of protecting the concept of private property.

Avoidance of Politico-Economic Warfare. It is argued in some quarters that liquidation of enemy private interests in the countries united against the Axis Powers would help eliminate the postwar German threat to their economy. In taking this position, a distinction is frequently made between property of *bona fide* private owners of the character, for

[4] Treasury Department, *Administration of the Wartime Financial and Property Controls of the United States Government* (Dec., 1942), p. 26.

[5] *Final Act, Inter-American Conference on Systems of Economic and Financial Control, Washington, D.C., June 30–July 10, 1942* (Pan American Union, Washington, D.C., Recommendation No. VII).

instance, of the typical property of American citizens in foreign countries, and that which has been used by enemy states, particularly the Nazi state, to promote their political and military aims.[6] Restitution after the war, according to this school, might fittingly be contemplated for the former class of property, whereas it might not be appropriate for the latter. The central thesis of this body of opinion appears to be that postwar restitution in certain areas, particularly in Latin America, of certain cartellized enemy properties, such as those of I. G. Farben, Schering, and Bayer, which have had a particularly intimate connection with the Nazi state, and which have especially strong possibilities of postwar mischief, would constitute the return of an instrumentality of economic warfare to a totalitarian state in which private enterprise in any real sense of the word no longer exists. It would tend, from this point of view, to guarantee the continuance not merely of the prewar cartel pattern without appreciable alteration, but of the skeleton Nazi organization established through the instrumentality of the German cartel members, and would restore in such areas a degree of German industrial and political influence far greater than could have been attained without use of the between-war politico-economic cartel arrangements.

Those who especially concentrate on liquidation of such cartellized properties appear to proceed on the theory that it is unrealistic and dangerous to permit any tools which were once obviously used against our interests and the interests of a stable, peaceful world to go back into our former enemies' hands. The theory seems to rest on the assumption of (1) unregeneracy on the part of our former enemies; and (2) inability of the victorious Allies pursuant to the peace settlement to institute governmental controls adequate to prevent former enemy governments from resuming their prewar methods of politico-economic penetration of other countries.

This approach has the obvious appeal of taking away from a captured criminal certain tools which he has misused in the past, in order to prevent him from committing crimes in the future. The trouble with it, however, is that the tools are also capable of constructive use and, deprived of them, the presumably reformed criminal may be less disposed, and find it harder, to go right. It is to be expected, in any case, that the Allies will establish safeguards against the criminal's rearming, and generally keep him under careful surveillance for a reasonable time; also that they will try to cure him of his mental disease and generally to fit him to take a constructive part in society. For instance, there should be no question of

[6] For example, see discussion by Mitchell B. Carroll and Edgar Turlington in *Proceedings of the American Society of International Law at its 37th Annual Meeting*, pp. 72–73. See also Carroll's article in the *American Journal of International Law* (Oct., 1943), pp. 628–630.

returning the property to the control or partial control of anything resembling the recent Nazi government. The restored property would, under this theory of regeneration, be used by our former enemies to further the world's productiveness, and there would be avoided the sense of injustice which could easily result from failure to restore, and which could provide just the fillip necessary to start off our former enemies at the first opportunity on their old game of politico-economic warfare.

Although on the surface such confiscation of cartellized properties under the control of the former Nazi state might appear to be the only realistic way of ridding the world of Nazi contamination, it would be likely to start the peace with what would be tantamount to an announcement that we have no real hope of exercising an effective discipline over our former enemies with a view to their ultimate full incorporation in a rational world order. Instead of attacking basically the problem of making our enemies behave, we should merely be sniping at the tenacles of their influence in other countries, and perhaps should be confessing a fear that we cannot compete successfully with them without first placing them at an economic disadvantage.

Putting it another way, only reconciliation of our enemies with their conquerors can ensure their sincere coöperation in building up a sound world economy and a permanent peace; without such coöperation, in view of the influence which our defeated enemies are bound eventually to exercise again in the world, those objectives cannot be attained. This does not mean a "soft" peace. It is presumed that the German and Japanese horrors of this war will be adequately punished and their repetition guarded against in the future. It is not meant here to suggest refraining from applying, in as long a postwar period as may be necessary, effective controls to prevent our former enemies preparing for war. It is only that we do presumably have to live with them for some time and, as someone has said, you cannot keep a man in a ditch without staying down there with him. It seems indispensable to try to convince our former enemies that they can expect from us a fair chance to participate in the world's industry and trade—that we are not planning to try to handicap them permanently. Such a course would seem to accord with the general approach toward the peace settlement made by the Commission on a Just and Durable Peace of the Federal Council of the Churches of Christ in America, which has espoused the idea that the peace settlement "should make possible the reconciliation of victors and vanquished."[7]

John Dickinson holds that failure to return enemy property, or to make

[7] Carnegie Endowment for International Peace, *International Conciliation* (Mar., 1945), No. 409, p. 147. (Quotation is from program of action adopted on January 19, 1945, by a conference of churches at Cleveland convened by the Commission.)

adequate compensation for it, would have disastrous results in international trade and prosperity. He believes that liquidation of German property in America in an effort to meet the postwar German threat to our economy would involve our taking over Nazi methods and embarking on a more or less continuous state of economic warfare with our present enemies which would be very likely to lead to economic war with other countries as well. The upshot of such international economic warfare, he further contends, could not fail to be defeat of the peace; for, as in the thirties, it would mean the erection of trade barriers, followed by curtailment of production and consumption, with depressing effects on human welfare.[8] One may agree with Dickinson in recognizing such possibilities of a confiscatory policy.

Safeguarding the Private-Property Concept. The concept of private property has been a cornerstone of American economic development, including of course the development of our foreign trade. In spite of the fact that over a long period there has been a gradual tendency to break down the distinction between public and private property, the desire of the American people to keep that distinction alive appears clear. Unless this country, as seems most unlikely, is prepared and desires to move toward a conception of property-holding more like that of state-operated economies than like that which has been built up by political theory and juridical evolution in most Western countries, it would seem dangerous to take the proposed step of confiscation.

In this connection, one may take issue with Ralph M. Carson, who, after pointing to the invocation of the principle of eminent domain in the present war by England and France in adopting "measures designed to enable them to appropriate foreign-held property of their own nationals or domiciliaries against compensation in domestic currencies," states that such "measures, as applied to affected property in this country, have generally been recognized in our courts on the theory that the measures are not confiscatory and do not violate any public policy of our own."[9] It is very doubtful whether our courts, except in relation to purely wartime measures, have, in general, as freely approved appropriation of private property by the federal government as Carson indicates. On the contrary, court approval in the United States of governmental appropriation of private property under the principle of eminent domain has consistently been limited to instances where a strong case of public interest in such appropriation could be made. For instance, in 1935 the National

[8] John Dickinson, "Enemy-Owned Property: Restitution or Confiscation," *Foreign Affairs*, Oct., 1943, pp. 126–142.

[9] Speech on "War Claims and the Protection of Property," in *Report of Proceedings of Foreign Property-Holders Protective Committee*, Convention of National Foreign Trade Council, Inc., New York City, Oct. 11, 1944, p. 28.

Industrial Recovery Act, so far as it attempted to authorize the national government to condemn private property for low-cost housing and slum-clearance projects and for the purpose of reducing unemployment, was held unconstitutional, on the ground that such use of the property was not a "public use."[10]

Also as regards governmental wartime assumption of certain functions formerly exercised by private business, it is clear that opinion generally in the United States favors early return to the previous situation. For instance, both official and private statements recently made in this country favor the return of our foreign trade to private enterprise as soon as the war effort and the availability of products now in short supply permit. The Economic Charter of the Americas, part of the Final Act of the recent Inter-American conference at Mexico City, declared that one of the guiding principles of the American Republics is "to promote the system of private enterprise in production which has characterized the economic development of the American Republics, to take appropriate steps to secure the encouragement of private enterprise, and to remove as far as possible obstacles which retard or discourage economic growth and development."[11] It seems not at all unlikely that in the long-run so important and conspicuous a precedent as confiscation of enemy property following the present war would tend to work against the country's keeping as free as it otherwise might from unnecessary governmental controls over business.

IV. REPARATION CONSIDERATIONS

It is clear, however, that no decision to return enemy property can be made to "stick" unless the reparation program is devised with such an end in view. The reparation conditions could, as Seymour J. Rubin has made plain,[12] easily leave no choice to the enemy governments but to appropriate their nationals' property in Allied countries for the purpose of assisting in making the payments involved—particularly for the purpose of providing exchange in the currency of the countries receiving the reparation payments. Under such circumstances, the return of the enemy property would, of course, be an empty gesture. To some of those immediately affected, it might even appear a cruel hoax, or at the least a piece of hypocrisy.

The decision, then, to return or not to return enemy property must be

[10] U.S. v. Certain Lands in City of Louisville (Circuit Court of Appeals), 78 F. (2d) 684 (1935).

[11] *Final Act of the Inter-American Conference on Problems of War and Peace, Mexico City, February 21 to March 8, 1945*—provisional English translation, p. 61.

[12] Seymour J. Rubin, "Inviolability of Enemy Private Property," *Law and Contemporary Problems*, Winter-Spring, 1945, pp. 180–181.

made in close coöperation with those who determine reparation policy. The problems of reparation objectives—methods, amount, etc.—cannot be discussed in detail here. But it seems probable that the hardship which would be imposed on Allied citizens with claims against enemy governments by failure to turn over to them the proceeds of selling enemy property in their countries would not nearly offset the contribution to long-term objectives which, as suggested above, might be made by return of the property. Although, as indicated above, it is assumed that effective control measures aimed at preventing Germany and Japan from rearming will be imposed on those countries, the amount of reparation must not be so large and the requirements as to its payment in the currency of the receiving countries must not be so onerous as to force the enemy governments to appropriate the restored property from their citizens. It would probably be well to include in the provisions of the peace settlement a statement of the motives of the Allied governments in returning the enemy property.

Adherence to this course on the part of the Allied governments, however, is not going to be easy. The pressure to liquidate enemy property in a given Allied country in order to use it as a specially ear-marked fund to recompense citizens of that country for losses in enemy countries will be very great. Take the case of Germany vis-à-vis the United States. It seems reasonable to assume that the terms of the peace will give Germany no choice but to restore American property in Germany, where restorable, to its previous owners. But much of such property will have been destroyed. As pointed out by *The Economist*, even if Germany is asked, by way of reparation, only to return everything stolen by the Germans and to restore everything needlessly destroyed, the bill will be quite as much as Germany can bear. Payment by Germany, in addition, for the general damages of war inflicted by the armed forces of either side would be physically impossible.[13] This being true, the pressure will inevitably be very great to utilize German property in the United States to create a fund to reimburse American property-owners in Germany—a sort of special United States-German reparation arrangement outside the over-all arrangement for German reparation to the Allies—even though such sale is almost certain to yield less than the worth of the German property as an integral part of the United States economy.

The feeling behind such pressure is very understandable, especially since certain countries—notably Great Britain—have been forced during the war to liquidate a large part of their foreign investments. But Great Britain did, at least, have the full use of the proceeds of these investments to help win the war and will, after the war, be in a far more favorable situation than Germany, physically and by reason of her better psychological relations with the rest of the world, to restore and solidify her inter-

[13] *The Economist* (London), Nov. 6, 1943, p. 603.

national economic position. Furthermore, and more fundamentally, the fact that the world's economic integration was impaired by Britain's forced liquidation of her foreign assets is no reason for damaging the world's economy still further through forcing the liquidation of Germany's foreign assets.

The all-important thing after this war, from an economic point of view, seems to be that every country shall feel free to engage in the particular forms of economic activity best suited to its resources and skills, in relation to the resources and skills of other countries, and not be forced to develop industries and engage in other activities designed as a defense against military or economic aggression. The Economic Charter of the Americas expresses this idea in emphasizing the need for "acceptance of responsibility and coöperation which will provide full use of labor, management, and capital in the efficient economic development of the agricultural, industrial, and other resources of the Western Hemisphere." The Charter goes on to say: "An atmosphere of confidence based on freedom from economic discrimination is an essential prerequisite to the development of natural and human resources and to the expansion of markets. The ability to trade without discrimination and without undue restriction will, moreover, provide a solid basis for the political and personal liberties of the peoples."[14] These fundamental principles may fairly be said to apply not only to the peoples of the Western hemisphere, but to those of the entire world. Restitution of enemy property, as a dramatic gesture of international economic confidence, fairness, and good will, would seem to offer real promise of contributing toward a new conception of world economic relations along the lines laid down in the Charter.

It is, of course, important to bear in mind that compensation of American owners of property abroad who have suffered war damages can take place through means other than confiscation of the private property of enemy nationals. Presumably, resources of the enemy countries will be drawn upon in meeting the Allied claims. What amount American claimants will receive naturally depends on the over-all amount made available to the Allies and on any special provisions, as regards priority of payment or otherwise, affecting the payment of particular types of claims and the claims of particular countries. In any event, there is certainly no reason to suppose that American claimants will not receive their fair share of the proceeds of the bill which it is finally decided that Germany shall pay.

V. RELATION TO BASIC PRINCIPLES

Obviously, a categorical assertion that restitution of enemy property would achieve the objectives above outlined would be absurd. Other

[14] *Final Act*, etc., *op. cit. supra*, footnote 11, at p. 59.

factors may obscure or neutralize any influences exerted by restitution. But it is of some significance to point out that the principles underlying the course recommended here are, in effect, nothing more than those principles of mutual trust, tolerance, and coöperation which have been enunciated for thousands of years by the greatest religious and political leaders. Unfortunately, they have been tried for only limited periods of history and in limited areas of the world, and their potentialities for peace and prosperity are not fully known. One case bearing on their validity may be cited. Nearly two centuries ago, Edmund Burke urged that Great Britain, in dealing with its North American colonies, look beyond what might seem to be the realistic, practical course of self-interest and try out these principles of mutual trust, tolerance, and coöperation. Failure to heed him contributed importantly to the loss of the colonies. But largely as a result of Great Britain's later adhering to the sort of principles advocated by Burke, there has come into being perhaps the outstanding example of long-continuing association of nations for peace and mutual assistance in the history of the world—the British Commonwealth of Nations. True, the relation to the mother country, in the last century and a half, of the young offshoots of Great Britain is very different from the relation of the victorious Allies after this war to their conquered enemies; nevertheless the same principles of human relations as a whole would seem to apply.

Recently, in the Atlantic Charter, these principles have received a new formulation in their application to the acts of nations. The fourth point of the Charter reads: "They [the United States and the United Kingdom] will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity." The principles of the Atlantic Charter were later subscribed to by all of the United Nations. Also Art. VII of various mutual-aid agreements may be at issue. In that article, the United States and the other countries party to these agreements have espoused objectives which include reduction of trade barriers and expansion of production and consumption. Should confiscation result, as feared by Dickinson in the article cited above, in the erection of trade barriers and the curtailment of production and consumption,[15] the achievement of these objectives would obviously be prevented.

After all, as pointed out by Edward Hallett Carr, the fundamental issue of the future is moral. Carr may have placed his finger on a profound truth when he said that the war will not leave us where it found us, that

[15] *Op. cit. supra*, footnote 8.

it will be the prelude either to rapid disappearance of the civilization we have known or else to a decisive turning point and new birth, with possibly "a revision of some of our estimates of human nature."[16] One may agree with the Commission to Study the Bases of a Just and Durable Peace that "only if spiritual revelation strike from our eyes the scales of hatred, hypocrisy, intolerance, and greed, will we be competent to cope with the immensely difficult problems that confront us."[17] Restoration of the restorable bits of pre-war international economic organization is, of course, only a small part of the picture, but, as far as it goes, it would seem to be in the right direction, and the United States is in a position to make the gesture more effectively than any other country.

VI. SUGGESTED IMMEDIATE PROCEDURE

Since it is not absolutely certain that Congress will not eventually adopt a policy favoring the return of the identical pieces of sequestered property, it would seem only reasonable that property now under United States control should, before Congress rules on the subject, be administered in a manner which, to the extent compatible with advancing the war effort and with sound wartime property administration, will avoid establishing any unnecessary impediment to such return. A practical problem in this connection seems likely to arise only in handling business enterprises now being operated by the Alien Property Custodian, since the Custodian has announced a definite policy of non-sale of patents and copyrights, and since the property under the Treasury's control consists of cash and of investment securities not involving control of specific productive assets, the sale of which would appear likely to serve no useful war purpose and the intention to sell which has not been announced by the Treasury.

It would, therefore, seem desirable to make a careful review, company by company, of the problems of government operation of the remaining properties under the Alien Property Custodian—which, as indicated above, the Custodian intends to sell as soon as the necessary arrangements can be made—with a view to ascertaining in the case of each property involved how substantial a wartime purpose would be served by sale. The Alien Property Custodian states: "The decision to transfer vested properties to private enterprise has been adopted because of the generally accepted advantages of private management. . . . Continued administration of vested properties would involve this Office not only in the selection of management but in continued evaluation of its accomplishments. This

[16] Edward Hallett Carr, *Conditions of Peace* (London, 1942), p. 128.

[17] *A Just and Durable Peace; Statement by the Commission to Study the Bases of a Just and Durable Peace Instituted by the Federal Council of the Churches of Christ in America* (Mar., 1943), p. 4.

would mean the assumption of responsibility for a host of details with respect to such items as method of production, proper scale of operation, appropriate pricing policy, and labor relations. Activities of this character are foreign to the effective operation of the Custodian's Office as an agency of the Government."[18]

This argument may, of course, have a good deal of weight in a war as lengthy as the recent one. However, in any event, it would appear desirable to have some more concrete indication than is now available of the probable effect on the war effort of refraining from sale of these properties. Even should the burden of retention of them seem to be too great to warrant such retention, consideration might be given to the possibility of including in each sales contract a provision that in the event that Congress eventually directs return to the original owners of the identical sequestered property, the property covered by such contract shall be given up by the purchaser (of course with appropriate compensation). Such a study also would probably help in determining a fair basis for restitution of certain properties whose function and importance, as pointed out by Rubin,[19] may have been expanded while under the jurisdiction of the sequestering authority, as well as in clarifying the relation of the prices currently obtainable for the various enemy properties in general to the values that might be placed on them as integral portions of the long-term economy of the United States.

Also the executive branch of the federal government as a whole should proceed as rapidly as possible with formulation of a coördinated policy toward enemy-property treatment. In so doing, consultation with other members of the United Nations or American Republics might be helpful. Delay in formulating such a policy may postpone, or even prejudice, ultimate satisfactory solution of the problem by Congress, and in any case would seem to make it harder for certain executive agencies, particularly the Alien Property Custodian, to leave the way open for effectuation of Congress' ultimate decision. A course of drift or expediency in this matter could damage our hopes of building a world free from the resentments and misunderstandings that make men fight.

[18] *Annual Report of Alien Property Custodian, 1942–43*, p. 69.
[19] Rubin, *op. cit. supra*, footnote 12, at pp. 173–174.

SOME ASPECTS OF STATELESSNESS SINCE WORLD WAR I

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I. DEFINITIONS

Statelessness, in its technical sense, is the result of denationalization by the country of origin of a person who has acquired no citizenship elsewhere.[1] A stateless person is also referred to as *staatenlos, apatride.*[2] Protection and assistance may be withdrawn by the country of a person's origin without juridical suppression of that person's nationality.[3] Such a person outside his own country, though not fully denationalized, is in a position in some measure akin to that of the stateless, as neither has the protection of any government.

Although many refugees are stateless, statelessness is not the essential quality of a refugee, who is defined in accepted international usage as a person who for political reasons has been driven from his country of origin, or who fears the political consequences of his return. He may be stateless, or, although not technically denationalized, may have lost the protection of his government by refusing to return home when the possibility was presented. As a person without governmental protection, he loses the advantages of international rights which depend for enforcement on the action of his home government. Furthermore, an alien who is not a national of any state is denied many of the privileges of a citizen, granted reciprocally through treaties. Such treaties give to the citizens of one state privileges in other states party to the treaties, including the right to work, the benefits of social insurance (such as workmen's compensation laws), and the right to education.

Even more important is the fact that every country is obliged to receive its nationals if they wish to return to it. The stateless actually have no country to take them back, nor to issue passports for them to enter other foreign countries if they so desire, although in theory there may be a duty

[1] Conflicts of nationality legislation of the countries of a child's parents may occasionally cause statelessness at birth. This subject, however, is not discussed here.

[2] Cf. Lawrence Preuss, "International Law and Deprivation of Nationality," *Georgetown Law Journal*, Vol. 23, p. 250 (Jan., 1935); "Jurisprudence américaine en matière de droit international (1933–35)," *Revue Générale de Droit International Public*, Vol. 43 (1936), p. 589 ff.; Berthold Schenck Graf von Stauffenberg, "Die Entziehung der Stattsangehörigkeit und das Völkerrecht," *Zeitschrift fur ausländisches öffentliches Recht und Völkerrecht*, Vol. 4 (1934), pp. 261–276.

[3] Louise W. Holborn, "The Legal Status of Political Refugees, 1920–1938," *American Journal of International Law*, Vol. 32, p. 680. Cf. Joseph Chamberlain, "Without A Country," *Survey Graphic*, Vol. 34, p. 85 (Mar., 1945).

on the part of a denationalizing state to receive back its former citizens, if a state of refuge insists.

II. STATELESSNESS RESULTING FROM WORLD WAR I

Russians. There are many persons who have been technically stateless since World War I. The first great group of these are Russians, especially political emigrés who have come to be known as White Russians. The Soviet government promulgated a series of decrees, December 15, 1921, October 29, 1924, and November 13, 1925, by which the nationality of the USSR was lost by persons who left the country after November 7, 1917, without consent of the Soviet authorities; by persons who live abroad for more than five years without applying for a passport by a certain date; by persons living abroad who fail to register with representatives of the USSR in the country in which they reside; and by all persons who had taken part in counter-revolutionary organization.[4] These decrees were followed by citizenship laws, promulgated April 22, 1931, and August 19, 1938, and a decree of September 7, 1940.

Many Russians made stateless by the Soviet decree of 1921 had, either before or after that date, fled to various countries of Europe, especially France, Turkey, Yugoslavia, Czechoslovakia, Greece, Bulgaria, and Rumania. Many of the number are still stateless in 1945. France has many stateless residents who were formerly Russian subjects. The number before World War II was some 68,000, largely men forty-five to sixty years of age who had been in France twenty to twenty-five years, after having lost Soviet citizenship under the 1921 law for having served in the so-called White Russian Army. Of the number, possibly 45,000 to 55,000 still remain in the country. French courts refused to give effect to the Soviet decrees denationalizing Russian emigrés and treated the emigrés as Russian nationals, until France recognized the USSR formally on October 28, 1924, after which date they were considered stateless.[5] Perhaps 50,000 former Russians, now stateless, are in Germany. Many have been in the Balkans, though the number is unknown; and many of these are reported to have fled to Germany before the oncoming Soviet armies in 1943–44. In Manchuria, there were nearly 70,000 denationalized Russians as of 1940. Of these, some, however, may have Chinese citizenship.

Armenians. The Armenians form the second great group of stateless

[4] Paul Abel, "Denationalization," *Modern Law Review*, Vol. 6 (Dec., 1942), p. 58 ff.; Taracouzio, *The Soviet Union and International Law* (New York, 1935), pp. 80–122; A. Colaneri, *De La Condition des Sans Patrie* (Paris, 1932), pp. 62–69; V. Scheftel, "L'Apatride des Refugies Russes," *Journal de Droit International*, Vol. 61, pp. 36–99 (1934); Holborn, *op. cit.;* D. V. Sandifer, "Soviet Citizenship," *American Journal of International Law* (1936), p. 614 ff.

[5] Abel, *op. cit.*, p. 66.

from World War I. Many of these became stateless by decree and in specific cases by administrative decision.[6] A Turkish law of April 15, 1923, confiscated all goods of Armenians living abroad. But the final blow was given by a Turkish law of May 23, 1927, which authorized the Turkish executive to declare deprived of their Turkish nationality all Ottoman subjects who did not take part in the national struggle and remained outside Turkey in the War of Independence, and had not returned to Turkish territory during the period from July 24, 1923, to the date of the promulgation of this law.[7] The law effectively denationalized the Armenian group who fled chiefly to France and Greece.

Other Groups. There were an estimated 19,300 Assyrian and Assyro-Chaldeans and a small number of Turkish refugees in 1926, in addition to about 150,000 other refugees, either residing or sojourning in Central Europe. These were without protection and in the same situation as the Russian and Armenian stateless.[8] Many of these groups are still stateless in 1945. After the Saar plebiscite in 1935, about 7,000 former residents of the Saar left that territory and lost their citizenship. Most of them went to France.

In 1938, Judge M. Michael Hannson of Norway, appointed president of the Nansen office in 1936, reported 600,000 Russians, Armenians, Assyro-Chaldeans, Turks, and Saarlanders as still remaining under League protection.

III. STATELESSNESS IN THE PERIOD PRECEDING WORLD WAR II

Italy. An Italian decree of January 31, 1926, provided that an Italian subject outside of Italy should lose his nationality if he committed an act destined to disturb the public order in Italy, or the consequences of which tended to harm Italian interests or to diminish Italy's reputation or prestige.[9] At this time, the Italian government did not denationalize Italian emigrés who were not *fascisti* unless they committed acts opposed to the Fascist government. Such emigrés, however, were denied protection and assistance;[10] and France and other countries treated them as stateless.[11]

On November 25, 1926, the Italian law was amended so as to make criminal any activity prejudicial to the national interests. A person who committed such action was to be tried by special courts and, failing to appear before them when summoned, was to be deprived of his citizen-

[6] Holborn, *op. cit.*, p. 680.

[7] C. A. MacCartney, *National States and National Minorities* (1934), p. 392.

[8] Holborn, *op. cit.*, p. 686. [9] Holborn, *op. cit.;* Abel, *op. cit.*, p. 56.

[10] Holborn, *op. cit.*, p. 680; Nitti, G., "Les Emigrés Italiens en France," *Revue General de Droit International Public* (1929), pp. 739–759. A. Colaneri, *op. cit.*, p. 31.

[11] Nitti, *op. cit.*

ship. This policy, however, was abandoned in June, 1929. Following the pattern of Germany, an Italian decree of September 1, 1938,[12] repealed the certificates of naturalization issued to all foreign Jews after January 1, 1919. Under this decree, any person was considered Jewish if one of his parents was of the Jewish race. A decree issued January 20, 1944, provided for restitution of civil and political rights to Jews.[13]

Spain. A large group of Spanish republican refugees left their country as a result of the civil war in Spain, and, although not completely denationalized, lost the protection of the Spanish government. Most of the number went to France, where there were at first some 350,000, but by 1944 there were probably 120,000 left, largely in internment camps. For the most part, the others had left for South and Central America.

IV. STATELESSNESS IN RELATION TO WORLD WAR II

Germany. Germany embarked on denationalization in 1933, though not until 1941 was the picture complete. A denationalization and expatriation law of July 14, 1933, provided for individual expatriation if a person outside of the Reich refused to return when summoned, or if a person living abroad violated his duty of allegiance toward the Reich and his people.[14] Furthermore, by this act and a subsequent executive order, all naturalizations of "undesirable elements" naturalized between November, 1918, and January, 1933, could be revoked. Under this law and order, thousands were denationalized by individual decrees; and their names (with place of birth and date of withdrawal of nationality) may be found in the *Gesammt Verzeichnis der Ausburgerungslisten* for August, 1933, to December 31, 1938.

A large group in Germany, though not technically stateless, lost so much protection as to merit attention here. The Reich citizenship law of September 15, 1935,[15] stated that only those subjects of German or cognate blood were citizens (*Reichsbürger*); while the first decree (or regulation) under the law[16] stated that a Jew could not be a citizen of the Reich, but was a national (*Reichsangehörige* or *Staatsangehörige*) only. A *Staatsangehörige* or *Reichsangehörige* did not have a full measure of political rights.[17]

The German order of November 25, 1941,[18] provided that a Jew living abroad was deprived of his status as a German national (*Staatsangehörig*)

[12] Art. 3.

[13] Royal Decree Law No. 25, not published until Oct. 20, 1944, *Gazetto Ufficiale.*

[14] RGBI I, 480. [15] RGBI I, 1146, 1935; cf. Sec. 3.

[16] Nov. 14, 1935; RGBI I, 1933. [17] Hope-Simpson, *Refugees* (1939), p. 235.

[18] Cf. Paul Abel, *op. cit.*, p. 59; "The New German Denationalization Law," *Free Austria*, Apr., 1942; A. Kauffman, "Denationalization and Expropriation," *Law Journal*, Mar. 21, 1942; Ernst Wolff, "Die Ausbürgerung der Juden," *Die Zeitung*, Feb. 20, 1942.

and authorized confiscation of his property. The concept of "Jew" was the same as adopted in the order of November 14, 1935. Denationalization took place irrespective of the country from which emigration took place, and comprised people of German nationality who had never lived in Germany.[19] Countries occupied, but not incorporated or annexed, by Germany were foreign countries within the meaning of the order. For example, persons who emigrated from Germany to Belgium, Holland, and Norway resided "abroad," though those in the incorporated provinces of Poland or Austria did not. Other refugees from Greater Germany were not formally denationalized, though deprived of German diplomatic and consular protection in such matters as obtaining prolongation of the validity of a German passport.

It is estimated that up to the beginning of World War II there were possibly 400,000 refugees from Greater Germany, including the Sudetenland. Of the number, 240,000 had obtained permanent places of settlement. By February, 1944,[20] there were somewhat more who had escaped, and, in all, 250,000 (plus some more since) had settled in the United States, 60,000 (sometimes given as 70,000) in Great Britain, 125,000 in Latin America, and perhaps 70,000 in Palestine. These figures are, of course, uncertain and do not take into account the number who have died.

As of April, 1945, there were still some 15,000 to 20,000 Jewish stateless refugees in Shanghai, where they had been sent as one of the few places which would admit persons without travel documents. The group was segregated by the Japanese in 1943, and was still so in 1945. A campaign was carried on two or three years ago by the official Nanking weekly *China Leader* to prevent their becoming Chinese citizens. It was reported that all stateless residents or refugees were compelled to register with the Japanese authorities in the fall of 1944; and by June, 1945, it was reported that 4,282 had registered in all, with 700 more awaiting registration. The number included Poles, Germans, Austrians, Czechs, Latvians, Lithuanians, Estonians, and Russians.

The stateless who were former German citizens are found in large numbers in neutral countries, i.e., in Switzerland (as of November 1, 1944), 9,720 former Germans and Austrians. In addition, there were 200 former Hungarians (Jews); and 6,700 Poles (majority stateless), and also another 500 other stateless persons of various former nationalities. Many stateless (not all Germans, however) have been in Sweden, i.e., 7,000 to 8,000 in June, 1944,—about 75 per cent Jewish, and including 2,000 who arrived from Denmark in April, 1944.

Rumania. The Citizenship Revision Decree of January 20, 1938, required all Jews in Rumania outside of the Old Kingdom who had

[19] Abel, *op. cit.*, p. 59.

[20] Speech of U. S. Commissioner of Immigration and Naturalization, Feb., 1944.

acquired citizenship by a court procedure set up in 1924 to present proof of citizenship within twenty days in order to retain it;[21] and it has been estimated that, as a result, between 200,000 and 300 000 Rumanian Jews lost their citizenship and its attending privileges. A recorded 270,000 were rendered stateless, and of these 225,222 had their citizenship directly revoked.[22] The Jews of Bessarabia were the most strongly affected, followed by those of Transylvania and of the Old Kingdom.[23] A group of 5,000 to 6,000 Jews of the Old Kingdom, however, theoretically retained all rights save that of owning rural property because of their attainment of special merit through military or other service.

By a law of September 15, 1938, these stateless Jews were put under the control of the Rumanian Alien Office. Subsequent anti-Jewish legislation barred the Jews from economic and social equality, but did not further affect their citizenship status. It was announced in the fall of 1944 that the Rumanian government would restore citizenship to such Jews. Article 6 of the Rumanian Armistice of August 24, 1944, providing that all discriminatory racial legislation and restrictions should be repealed. In order to implement this Armistice, a decree was issued on December 18, 1944, abolishing all legislative measures discriminating against Jews.[24] The decree of December 18 did not specifically restore citizenship to Jews denationalized by the decree of January 20, 1938, but a draft decree-law of January, 1945, proposed to repeal this 1938 law and nullify any measures taken under it. Therefore the Rumanian Jews are in process of recovering citizenship and civic rights, provided they opt for Rumanian citizenship within three months from the promulgation of the new law.

France. At the end of June, 1943, a decree of the Vichy government deprived all Jews naturalized in France itself since 1927—estimated at 100,000—of citizenship rights. The blanket repeal of Vichy legislation on August 9, 1944, however, declared all acts of the Vichy government null and void.[25]

The Baltic Countries. According to a decree of the Praesidium of the Supreme Soviet of the USSR, September 7, 1940, citizens of Latvia, Lithuania, and Estonia became Soviet citizens from the dates of incorporation of these republics into the Soviet Union.[26] The decree further added that citizens of these republics who, at the time the decision was made, were not within the borders of the USSR, and who had not been

[21] Jan. 27, 1938, "Decree Revising the Citizenship of Jews in Rumania."

[22] Joshua Starr, "Jewish Citizenship in Rumania," *Jewish Social Studies*, III, No. 1 (1941), p. 77. [23] *Ibid.*, p. 78.

[24] Law No. A-47586, GR 92 from Rumania, Dec. 21, 1944.

[25] Art. III, *Journal Officiel*, Aug. 10, 1944.

[26] Aug. 3, 5, 6, 1940, respectively.

deprived of citizenship by the Soviet governments of these republics must register with a Soviet legation or consulate as Soviet citizens not later than November 1, 1940. Presumably, failure to register meant loss of citizenship, though persons failing to register might be accepted as Soviet citizens in accordance with Article III of the Soviet law of 1931 concerning citizenship which provides that every person on Soviet territory is a Soviet citizen if there is no proof that he is a citizen of a foreign country.[27]

Persons without citizenship, and belonging to national minorities which, "under the political conditions prevailing in Latvia, Lithuania, and Estonia before the establishment there of Soviet power,"[28] could not obtain citizenship in the republics themselves, were to "acquire Soviet citizenship in accordance with the procedure above." Other persons without citizenship, permanently residing in these countries, might "obtain Soviet citizenship in accordance with Article III of the law concerning citizenship in the Soviet Union.[29] Persons deprived of Soviet citizenship, and who were in Estonia, Lithuania, or Latvia—according to a release of the Praesidium of the Supreme Soviet of the USSR on September 7, 1940, —were allowed to obtain Soviet citizenship in accordance with Article III of the citizenship law of the Soviet Union of August 19, 1938.[30]

Under Soviet law, refugees from the Baltic states since August 3, 5, and 6, 1940, but now outside those countries, are technically regarded as Soviet citizens; but all former Estonian, Latvian, and Lithuanian citizens who resided outside these countries before their incorporation into the Soviet Union, and who have not registered as Soviet citizens, are stateless from the viewpoint of the USSR unless they have acquired other citizenships. The United States has not recognized the republics of Estonia, Latvia and Lithuania, and hence these Soviet laws would not be recognized here. Many refugees from the countries in queston—some 30,000—have arrived in Sweden; but their legal status there remains to be clarified.

The British forces daily newspaper, the *Union Jack*, published in Rome, on March 2, 1945, carried an appeal to Soviet citizens in Italy stating that the Soviet government is taking all necessary steps "to realize as soon as possible the ardent desire of all Soviet citizens in foreign countries to return to their homeland. All who would return home were to be treated with a maximum of care and attention. Even those Soviet citizens who,

[27] Decree of Apr., 1931, Art. III. T. A. Taracuzio, *The Soviet Union and International Law* (p. 83) states that persons who claimed foreign citizenship, but were unable to prove it, were subjected to inconsistent treatment, since in 1924 they were relieved of military service required of citizens of the USSR and yet had to pay the same visa fees to leave the USSR as those charged Soviet citizens.

[28] Decree of Sept. 7, 1940, Art. III. [29] *Ibid.* [30] *Ibid.*, Art. IV.

under German coercion and terror, had committed acts contrary to the interests of the Soviet Union were not to be held responsible if they should begin honorably to fulfill their duty upon their return home."

German attempts to win the friendship and coöperation of the group of Russian stateless were notable. For instance, it was reported ln September, 1944, that many intelligentsia, scientists, etc., had been drafted into laboratories and factories in Germany and were not treated as eastern workers, but were provided with "*fremdenpasse*" in which they were described as Ukrainians or as stateless.[31] Germany even went so far as to propose to provide certain of these people with German papers recognizing them as *Reichsangerhörige*, though this offer was declined by the Russians.

Poland. Former Polish citizens who found themselves in the Western Districts (Oblasti) of the Ukraine and White Ruthenia on November 1–2, 1939 (the date of the elections in Eastern Poland which incorporated this territory into the USSR), became Soviet citizens under law of the USSR.[32] Thereafter the Soviet government recognized as Polish citizens persons of Polish race[33] who lived in this territory prior to those dates.

Persons who arrived in the USSR on the basis of the agreement for the exchange of nationalities between the Soviet and German governments of November 16, 1939, and in connection with the cession by the USSR to Lithuania of the city and district of Wilno (Vilna) (agreement of October 10, 1939), also became Soviet citizens.[34]

Persons in the foregoing two categories who previously had been deprived of Soviet citizenship might acquire such citizenship by the usual method of petition to the Praesidium of the Supreme Soviet of the USSR or the praesidium of the republic in which they reside.[35] Under the August, 1941, agreement, the Soviet government began to regard persons of Polish race from the Soviet-occupied territory as Polish citizens. In December, 1941, however, the policy apparently was changed. Persons of Polish race were deprived of Polish citizenship, and action was begun to require such persons to secure Soviet documents. The Soviet government never recognized persons of Ukrainian, White Russian, and Jewish race (nationality) from this territory as Polish citizens.[36]

[31] Some were also listed as "subjects" of the USSR.

[32] Decree of Supreme Council of the USSR, Nov. 29, 1939 (Translation from Polish).

[33] The word race is used here non-anthropologically to refer to persons speaking Polish and therefore identifiable as Poles, as opposed to non-Polish-speaking persons (i.e., Ukrainians, White Russians, persons speaking local dialects), and Jews. The word "nationality" is sometimes used instead of race in this sense, but it leads to even greater confusion.

[34] *Ibid.*

[35] Cf. Citizenship Laws of Aug. 19, 1938, Art. III.

[36] Translation of decree as published in the *Daily Digest of World Broadcasts*, No. 1815, July 6, 1944 (BBC Monitoring Service); translation of article in July 13, issue of *Dzienink Polski.*

A Soviet decree of June 22 (or 30), 1944, provides that persons serving in the Polish army in the USSR, persons who had previously served in it, and persons actively helping the Polish army in the USSR "in the struggle for the liberation of Poland" might acquire Polish citizenship, together with their families. This decree was a special exception to the decree of the Praesidium of the Supreme Council of the USSR, November 29, 1939, concerning acquisition of Soviet citizenship by inhabitants of the western regions of the Ukrainian-Belorussian SS Republics and in relation to Soviet citizens of Polish nationality from other regions of the USSR. The choice of citizenship made by parents extended to their children under fourteen. Requests for the acquisition of Polish citizenship were to be sent to the Commission of the Supreme Council of the USSR dealing with acquisition, relinquishing, and deprivation of the citizenship of the USSR.

Former Polish citizens, inhabitants of the Western Districts of Ukraine and White Ruthenia, but away from those territories on November 1–2, 1931, and having no Soviet citizenship, might acquire Soviet citizenship by the usual method of petition to the Supreme Soviet of the USSR or of the union in which they resided.[37] No mention was made of persons in this group deprived of citizenship. On July 14, 1944, the provisions of this decree were extended to inhabitants of the regions transferred by the USSR to the Lithuanian SS Republic who had acquired Soviet citizenship in accordance with the decree of September 7, 1940. Therefore Soviet citizens of former Polish nationality, living in Lithuania, acquired the right to transfer to Polish citizenship in the same way as all other Soviet citizens of Polish nationality.

The United States has not yet recognized the Lithuanian SS Republic as such, and so would not apply these laws. This country therefore has indicated that Latvians, Estonians, Lithuanians, and Poles whose homes are east of the 1939 line of demarcation, or of the Curzon Line, cannot be repatriated to the Soviet Union unless they affirmatively claim Soviet citizenship.

All persons who were subjects of the former Russian Empire down to November 7, 1917, and who resided in Bessarabia down to June 28, 1940, regained Soviet citizenship as of June 28, 1940, together with their children. Persons in the same group, but who had not resided in Bessarabia prior to June 28, 1940, and who were "temporarily outside the borders of the USSR," had to register as Soviet citizens at a Soviet legation or mission abroad, either personally or in writing, by May 1, 1941, and present a passport or document which certified identity and residence in Bessarabia. The provision applied whether or not the persons indicated were Rumanian subjects prior to June 28, 1940; but it did not apply to persons

[37] Decree of Supreme Council of USSR, Nov. 29, 1939; cf. Law of Aug. 19, 1938, Art. III.

who had obtained other foreign citizenship before June 28, 1940, or to those who had been deprived of Soviet citizenship.

By an agreement signed in Moscow on July 6, 1945, persons of Polish Jewish race (nationality) who had Soviet citizenship on September 17, 1939, are granted the right to abandon USSR citizenship and are allowed to move to Polish territory. Persons of Russian, Ukrainian, Belorussian, Ruthenian, and Lithuanian race (nationality) are given the right to abandon Polish citizenship and move to USSR territory. Analogous rights are also granted in pursuance of the decrees issued by the Praesidium of the Supreme Council, June 22 to July 14, 1944, to persons of Polish nationality enumerated in the decrees.

The agreement provides that abandonment of citizenship and repatriation are to be carried out on a voluntary basis. Repatriated persons are allowed to take their property with them, not exceeding two tons in weight per family for rural population and one ton for urban population, while persons may take up to 1,000 zlotys or 1,000 rubles, respectively.

Persons who have the right to abandon Soviet citizenship and who at the time of signing the agreement reside in the USSR may request the right to abandon citizenship through local authorities under a Commission of the Praesidium of the Supreme Council of the USSR. This request must be made before November 1, 1945. Persons living outside the USSR may appeal through embassies, legations, and consulates. Persons who have the right to abandon Polish citizenship, and who at the time of signing the agreement are resident on Polish territory, might appeal through local authorities before November 1, 1945, and in the way prescribed by the laws for the abandonment of Polish citizenship.

This new agreement does not change in any way the agreement of September 9 and 22, 1944, between the Ukrainian, Belorussian, and Lithuanian Soviet Socialist Republics and the Polish Committee of National Liberation concerning evacuation from Poland to the USSR, or in the opposite direction, of Ukrainian, Belorussian, Russian, Ruthenian, Lithuanian, Polish, and Jewish populations.

Recent action has continued the process of denationalization for racial or other reasons. Thus Rumania, after its capitulation, drafted a law "regarding loss of citizenship of certain citizens of German ethnic origin who acted within the framework of the German army."[38] Actually, however, only individual actions concerning denaturalization have been taken, under a Rumanian law of 1939 regulating acquisition and loss of Romanian citizenship.

V. THE FUTURE

The problem of statelessness will arise with renewed force as a result of

[38] Rumanian Home Service broadcast, Oct. 25, 1944.

possible territorial changes following the recent war. In addition, many persons are outside their former countries and, for political or other reasons, do not wish to return home. Such people may be deprived of citizenship—or at least of governmental protection—if they do not return. Some people may have citizenship restored, but nevertheless not want to go back home.

There are some straws to show which way the winds of policy are blowing. The committee for repatriation of the Netherlands subjects from abroad set up by the Netherlands Ministry for Social Affairs believes repatriation should include the stateless if it is ascertained that they were deported by the enemy from the Netherlands to other countries, whether such people are found in German or in Allied territories.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The forty-first annual meeting of the American Political Science Association will be held at Philadelphia, March 28–30, with headquarters at the Bellevue-Stratford Hotel. A preliminary program will be mailed to members about March 1.

Professor Quincy Wright has returned from his service as technical advisor to Mr. Biddle, American member of the International Military Tribunal, and has resumed his duties at the University of Chicago.

Professor Taylor Cole, of Duke University, has recently accepted the editorship of the *Journal of Politics*, published by the Southern Political Science Association.

Professor Graham H. Stuart is on leave from Stanford University for a period of three months and is in Tangier drawing up a new charter for the International City, as a representative of the Department of State.

Professor Clarence A. Berdahl, of the University of Illinois, lectured at St. Olaf College in November on "The San Francisco Conference and Some Problems of the United Nations Organization."

Professor Floyd Reeves has returned to the University of Chicago from a tour of duty in Italy in connection with the Army Educational Program.

Dr. John D. Tomlinson, formerly professor of political science at Wabash College, was appointed in September, 1945, chief of the Social and Economic Section of the United Nations Preparatory Commission in London.

Mr. John M. Payne, who holds degrees from Pomona College and the University of Cincinnati, has been appointed director of the Citizens' Research Institute of Los Angeles as of January 1, 1946.

Professor Simeon E. Leland is on leave from the University of Chicago during the winter quarter in order to advise the government of Panama concerning the reorganization of its tax system.

Professor Lloyd M. Short, of the University of Minnesota, has been made a member of the Committee on Education and Social Security of the American Council on Education.

Mr. Robert Strausz-Hupé, of the University of Pennsylvania, addressed the Army Industrial College on December 11 in Washington on the sub-

ject of "Atomic Energy and Its Political Implications." He also lectured on "National Resources and Foreign Policy" at the Franklin Institute in Philadelphia during December.

Mr. Hubert H. Humphrey, Jr., a former teaching assistant in the department of political science at the University of Minnesota, is now serving as mayor of Minneapolis. His secretary is Mr. Arthur Naftalin, also a former teaching assistant in the department.

At the University of Pennsylvania, Associate Professor Bradford W. West has returned from service with the Wage Administration Agency of the War Department, and Assistant Professor John P. Horlacher has resumed his teaching after serving as executive director of the Wage Stabilization Division of the Third Regional War Labor Board.

Dr. Lashley G. Harvey, executive secretary of the Bureau of Government Research at the University of New Hampshire, has returned to his duties after an absence of three years as Lieutenant Commander in the U. S. Naval Reserve. He spent seven months with the Military Government Planning Section in Hawaii and seven months in Saipan in the operational end of Military Government.

Mr. Robert Runo, who recently received his honorable discharge from the U. S. Navy, has accepted an appointment as instructor in political science at Roosevelt College, Chicago. Professor Floyd Reeves is a member of the board of trustees and Professor Leonard D. White a member of the Advisory Committee on Education.

Dr. Lynwood M. Holland, who received his degree at the University of Illinois last June, taught at Emory University last summer and is now assistant professor of political science at the University of Arizona.

Mr. Howard R. Tolley, chief of the Bureau of Agricultural Economics in the Department of Agriculture, served as alternate member, representing the United States, at the conference of the Food and Agricultural Organization of the United Nations in October, 1945, at Quebec, Canada.

Following his recent release from the U. S. Army, Dr. Andrew Gyorgy was appointed assistant professor of government at the University of New Hampshire. He is in charge of the courses on comparative government, international relations, and American foreign policy.

Dr. Richard G. Browne, associate professor of social science, Illinois State Normal University, presided at a joint section of the American Political Science Association and the National Council for the Social Studies on November 23, 1945, in Milwaukee. The subject of discussion was teaching citizenship in the Atomic Age.

Lt. William G. Torpey, on furlough from the position of head of the Civil Service Personnel Office, Third Naval District Headquarters, New York City, has been appointed Personnel Officer, U. S. Maritime Service Headquarters, Washington, D. C. Prior to his recent appointment, Lt. Torpey served as administrative assistant to the Assistant Commandant, U. S. M. S. Headquarters.

Professor Harvey Pinney, on leave of absence from the department of government, Washington Square College, New York University, died in Washington on November 22, 1945. In September, Professor Pinney was appointed head of the History Branch of the Office of Price Administration, with which organization he had been connected since the spring of 1942.

Dr. Marbury B. Ogle, Jr., formerly with the Research and Analysis Branch of the Office of Strategic Services, Washington, D. C., has been appointed to an associate professorship in the department of history, economics, and government at Purdue University.

Dr. Spencer D. Albright, formerly lecturer in political science at the University of Washington, has recently been promoted to the grade of captain in the Army Air Corps and has been transferred from Santa Ana, California, to the A. A. F. Training Command Headquarters, Fort Worth, Texas. Captain Albright is assigned to the Historical Section.

At the University of Pennsylvania, Dr. Philip E. Jacob has been appointed assistant professor and Dr. Lincoln Smith instructor.

Dr. Roland G. Usher, Jr., has been added to the staff of Butler University as assistant professor of history and political science.

Dr. Richard H. Heindel, formerly of the University of Pennsylvania, has been made acting chief of the new Division of Libraries and Institutes in the Office of International Information and Cultural Affairs of the Department of State.

After service in England with the Office of War Information and later with the Office of Strategic Services, Dr. Irwin M. Tobin, assistant professor of political science at Rhode Island State College, has been appointed a specialist on the British Commonwealth of Nations in the new Division of International Labor, Health, and Social Affairs in the Department of State.

Dr. Charles G. Fenwick, formerly of Bryn Mawr College, and now with the Inter-American Juridical Commission in Rio de Janeiro, has been nominated by Venezuela for membership in the United Nations International Court of Justice.

Dr. James L. McCamy has been appointed director of the Office of World Trade Policy in the Department of Commerce. He returned to the United States in September after nine months as economic adviser to the United States Forces in the occupation of Austria, having been stationed in Italy before entering Austria in early June. Until assuming his present post, he worked on the reorganization of that part of the Commerce Department which deals with international affairs.

At the Johns Hopkins University, V. O. Key, Jr. has been advanced to the rank of professor and Malcolm Moos has been promoted to an associate professorship. Mr. Key recently returned to the University after three years' service with the Bureau of the Budget.

Dr. Kimon A. Doukas, on temporary service with the State Department, was appointed to the staff of the American Section of the Inter-Allied Mission which has gone to Greece at the invitation of the Greek Government to observe the elections of March 31.

For five weeks during November and December, Professor John G. Herndon, of Haverford College, was in London as a member of the Philadelphia delegation urging upon the Preparatory Commission the selection of Philadelphia as the permanent seat of the United Nations Organization. During his absence, his classes were met by Professors Frank D. Watson, of Haverford College, and W. Brooke Graves, of Bryn Mawr College.

After serving as an economist with the Foreign Economic Administration at Washington for three years, Dr. Eric Dale has received an appointment by the War Department to serve in the same capacity with the U. S. Military Government for Germany and left for Berlin at the beginning of January.

A Philippine Foreign Affairs Training Program designed to assist the Filipinos in preparing for the conduct of their own foreign relations when independence is achieved on July 4, 1946, is now functioning within the Department of State. Mr. Frank P. Lockhart, chief of the Division of Philippine Affairs, is in over-all charge, and Mr. E. W. Mill, acting assistant chief of the Division, is supervising the day-to-day work of the trainees.

At Hunter College of the City of New York, Dr. Ruth G. Weintraub has been promoted to an associate professorship and Dr. Ellen E. Brennan to an assistant professorship. In November, Dr. Brennan was admitted to the Bar of the State of New York.

Mr. Clarence Senior has left the Pan American Branch of the Foreign

Economic Administration to become visiting professor at the University of Puerto Rico and acting director of the Social Science Research Center. In addition to his teaching, he will study the land redistribution program.

Dr. Paul A. Palmer has returned to his duties at Kenyon College after an absence of a year as visiting lecturer on government at Harvard University.

On August 30, 1945, the Association of Los Alamos Scientists was formed to promote the attainment and use of scientific and technical advances in the best interests of humanity and to influence constructively the achievement of the best possible form of international control of atomic energy. Mr. W. Higinbotham was elected chairman and Mr. J. H. Manley, secretary. The organization invites correspondence from political scientists regarding its objectives. The address is P. O. Box 1663, Santa Fé, New Mexico.

At Bryn Mawr College, a number of changes in the teaching staff in political science have occurred. Professor Charles G. Fenwick, on leave for several years with the Inter-American Juridical Commission, and now at Rio de Janeiro, has been retired. Dr. Helen Dwight Reed has resigned. Professor Roger H. Wells is on leave as adviser on local government to the American army of occupation in Germany, and his place is being taken by Dr. W. Brooke Graves, who recently completed three and one-half years of service in the Third Regional Office of the United States Civil Service Commission. Dr. D. Beatrice McCown, formerly of Vassar College, has been appointed assistant professor; and Dr. Bryce Wood, of Swarthmore College, is offering a course on international organization.

Dr. Clifford J. Hynning recently returned to Washington from a tour of service as a U. S. Treasury Representative with the Office of Military Government for Germany (and its predecessor agencies), Finance Division. In addition to his duties as a policy adviser on financial directives and field instructions, he collaborated with military intelligence in effecting the large-scale detention of German financiers and industrialists under SHAEF and later in the American zone. He was in charge of the financial interrogations of high Nazis, financiers and industrialists, and the resulting data on Schacht and Funk were turned over to Mr. Justice Jackson's staff for use in the Nuremburg trials. At present an attorney on the staff of the General Counsel, U. S. Treasury Department, Dr. Hynning was formerly an enforcement attorney with the Office of Price Administration.

Hon. Jesse H. Jones, former Secretary of Commerce, has given $300,000 to create at the University of Virginia a Woodrow Wilson School of International Affairs, aimed at promoting in "coming generations of young

Americans a livelier appreciation of the vital interests and heavy responsibilities of the United States in the outside world." The gifts come from a corporate foundation which Mr. and Mrs. Jones established in Texas some years ago for educational and philanthropic purposes.

In 1945, five United States libraries were established in various parts of the British Empire by the British Division of the Office of War Information in close coöperation with the Division of Cultural Relations of the Department of State and with the Library of Congress. The new libraries follow the pattern of the American Library in the Embassy in London, and are located at Sydney and Melbourne, Australia; Wellington, New Zealand; Johannesburg, Union of South Africa; and Bombay, India.

The establishment of the Samuel S. Fels Professorship of Governmental Administration in the Wharton School of the University of Pennsylvania, in recognition of Mr. Fels' pioneering activities in the improvement of local government, was recently announced by President McClelland of the University. In addition to honoring Mr. Fels, the creation of the professorship recognizes the permanent and increasing importance of the research and training program of the Institute of Local and State Government. The first incumbent of the new chair will be Dr. Stephen B. Sweeney, a member of the Wharton School faculty since 1922 and director of the Institute of Local and State Government since its foundation.

An Institute of National Governmental Reorganization was held at the University of Minnesota on December 10 and 11 under the auspices of the University's Center for Continuation Study and the Minnesota League of Women Voters. Participants included Professors William Anderson, Lloyd M. Short, and A. N. Christensen.

BOOK REVIEWS AND NOTICES

Systematic Politics. By Charles E. Merriam. (Chicago: University of Chicago Press. 1945. Pp. xiii, 349. $3.75).

Here is a volume of epic proportions concerned with the classic problems of political philosophy and presented with the fresh and imaginative sweep characteristic of its distinguished author. To Professor Merriam's innumerable friends and admirers, this book will be a rich reminder of his personality. It should serve also to convey to many new readers the best of his wit, his sagacity, and his learning. The volume is, in a sense, the summation of the many years of thought and activity that the author has devoted to politics and government.

Professor Merriam's philosophy is based on the assumption that "the whole life-process is one of creative evolution in which the type and values of the species continually rise in the scale" (p. ix). Upon this fundamental theme the structure of much of the author's argument rests. He states: "In time we approach a closer-knit system of international jural order; and ultimately there may well be a single society, whatever it may be called" (p. 33). "The world will be Athens rather than Sparta" (p. 341). It is striking, indeed, to hear such confident news of the future at a time when the annihilation of civilization is freely prophesied in some quarters. Merriam's faith in progress is linked with a deep trust in government. This is elaborated in many ways throughout the book. "Government," the author states, "is the oldest and in some ways the best-tried agency of mankind, and, whatever its temporary aberrations may be—and they are many—there is no reason to conclude that government cannot be kept abreast of the advancing waves of human progress" (p. 261). In developing this thought, the author constantly looks beyond the formal or legalistic aspects of the state; "Government is a cross-section of society, and its composition and conduct are likely to be that of the social forces and attitudes from which it comes" (p. 330). Freedom is offered as "a genuine end of government" (p. 61), and the book concludes on the same note: "Free men—in free states—in a free world—these the future government may bring" (p. 345).

This book was penned while the world was at war, yet its viewpoint and message are extraordinarily pertinent for the age that has just opened. Never has mankind needed greater confidence that through consent and under law order may be maintained in the world and freedom preserved. Professor Merriam would have us understand government broadly in sociological terms and deeply in historical terms so that we may use it effectively. To distrust government is to be guided by traditional fears. Science has created greater dangers that can be countered only by broader and stronger ties of political association. Few readers,

indeed, could challenge the value of his credenda for the world today, although some may question the philosophy of history upon which his argument is built.

No treatise on government by an American scholar can match the breadth of the volume. Into it have gone the author's ponderings and ranging over many fields of social knowledge seldom explored by more conventional political scientists. His footnotes beckon the reader down many fascinating paths. For example, on page 118, one citation lists a study of *Social Life among the Insects*, and another invites attention to *The Political Philosophy of Confucianism!* Professor Merriam's achievement is the ordering and relating of the great variety of political life into a single volume aptly entitled *Systematic Politics*. This task of synthesis is directed by the thought that "the emerging characteristics of political association are neither territorial nor ethnic but cultural, fraternal, and human in the highest sense of the term" (p. 290). Professor Merriam's sturdy and lofty confidence in his fellowman enables him to weigh political phenomena in their weaknesses and strengths and to emerge with a systematic over-all view that holds out hope for a world both of freedom and of order.

PENDLETON HERRING.

Harvard University.

General Theory of Law and State. By HANS KELSEN. (Cambridge, Mass.: Harvard University Press. 1945. Pp. xxxiii, 516. $6.00.)

The selection of Dr. Hans Kelsen's *General Theory of Law and State* as the opening volume of a new series in twentieth-century legal philosophy is a happy choice which sets a high standard for the series. That Dr. Kelsen is one of the most distinguished legal philosophers of our day, that his views form an articulated system, and that he presents them with clarity, vigor, and skill, must be admitted even by those (of whom the present reviewer is one) who cannot accept his general position. This volume, which is described by the author as a reformulation of his ideas and an extension of his theories "to embrace the problems and institutions of English and American law as well as those of the Civil Law countries," is based on earlier works, but represents Dr. Kelsen's present judgment.

No review can do justice to the wealth of materials assembled in the volume. The author's well-known objections to doctrines of natural law, his insistence upon a "positive" law which must be distinguished from the usual concepts of justice and of rights, and his definition of law as a dynamic system of norms derived from a basic norm, are here set forth in full. These ideas serve as points of departure for his consideration of such topics as the relations between law and the state, the idea of free-

dom, the conflict of laws, the nature of legal responsibility, and countless other problems.

One of the most interesting features of the book is the section devoted to national and international law. This section will undoubtedly give rise to vigorous controversy centering upon several points, including the treatment of *bellum iustum*, the references to primitive law ("If law is the social organization of sanction, the original form of law must have been intertribal law, and, as such, a kind of international law," p. 334), the view taken of individual responsibility under international law, and, above all, the discussion of the relation of international law to national law. A few of the author's remarks on the last point mentioned are: (1) It is in fact by international law that the territorial and personal, as well as the temporal, spheres of validity of the national legal orders are determined. This determination is the essential function of international law. The norms regulating this subject-matter are essentially and necessarily norms of international law (p. 350). (2) Since the international legal order not only requires the national legal orders as a necessary complementation, but also determines their spheres of validity in all respects, international and national law form one inseparable whole. (3) An aspect of this unity is the fact that states as acting persons are organs of international law, or of the community constituted by it (p. 351).

The treatment of international law and national law as a single system leads to a consideration of problems connected with the conception of sovereignty. Although Dr. Kelsen admits that from the standpoint of the science of law, it is irrelevant whether one chooses to assume the primacy of international law or that of national law, he emphasizes the point that the political and ethical consequences of these two assumptions are very different. "The idea of the equality of all states can be maintained only if we base our interpretation of legal phenomena on the primacy of international law. The states can be considered as equal only if they are not presupposed to be sovereign" (p. 387).

In addition to the principal study, the volume contains a paper of more than fifty pages, entitled "Natural Law Doctrine and Legal Positivism," a list of the author's other works, and a bibliography which could be strengthened by more attention to publications in English. The index is exceptionally useful.

This volume is indispensable to every teacher and student of legal and political theory. By making Dr. Kelsen's systematic doctrines available in English, the Harvard University Press has done an important service to these groups and to many other thoughtful readers.

MIRIAM E. OATMAN.

U. S. Department of State.

Freedom Under Planning. By Barbara Wootton. (Chapel Hill, N. C.: University of North Carolina Press. 1945. Pp. vi, 180. $2.00.)

Road to Reaction. By Herman Finer. (Boston: Atlantic-Little, Brown and Company. 1945. Pp. xii, 228. $2.00.)

These volumes are, in the main, discussions of Dr. Hayek's *Road to Serfdom* by two of his colleagues in the London School of Economics (Finer is now visiting professor at Harvard)—one, from the point of view of a student of government, and the other, from that of an economist. Both writers are highly skilled in their special fields of competence, and it is useful to compare their methods and results.

Taken together, the volumes give an important view of some of the emerging problems of planning. Finer grapples with governmental aspects of planning and Wootton with the economic areas of planning, using "economic" in the special manner indicated. The books are not, however, merely "replies" to an over-rated work of little permanent value, but are positive contributions to the illumination of the whole vexed problem of the relationship between government and the economic order in our times.

Barbara Wootton, already the author of *Plan or No Plan* and other treatises in this field, discusses freedom and planning from the point of view of the trained economist. At the outset, she defines planning as the "conscious and deliberate choice of economic priorities by some public authority," which is, she holds, "the heart of the matter." But just what "economic" is remains uncertain. "Economic activity consists essentially of choice," but there are other areas of social behavior in which choice enters just as certainly and definitely. Later it appears that "planning of production is the heart of the matter." Freedom is held to consist of "ability to do what you want," but the writer prefers to say "freedoms," in the plural.

Of the four types of freedom considered, cultural, civil, political, and economic, she finds the cultural and political the most difficult. In general, the discussion of freedom, other than economic, is the least impressive part in her spirited discourse. Cultural ends, for some reason, she finds "indeterminate," and therefore difficult to deal with. Government apparently has no cultural aims (not even education or recreation), and hence does not operate easily in the cultural area—after all, a difficult conclusion to defend. Civil liberty, she holds, is not threatened seriously by forms of planning, but dangers to political freedoms disturb her, including the right to criticize the government and the organization of opposition groups. Possible discontinuity of policy threatens here and the outcome of the modern party system appears disturbing. While the writer defends planning in all these fields, she is far less effective than in

dealing with problems classified in her scheme of thought as essentially "economic."

The freedom of the consumer and the freedom of the producer are critically examined, with especial reference to the possible rôle of planning in these areas. So-called "consumer sovereignty" is as possible under planning as under no-planning, and the freedom of the producer need not be limited any more by planning than in the free market with the inevitable restrictions arising out of competition in the market. The weakness of the critics of planning is that they constantly compare an "ideal theoretical consumer sovereignty" with the actualities in a world of flesh and blood and imperfect human institutions.

Of course, we cannot have complete "consumer liberty" and complete "producer security" under a planned economy, or under an unplanned economy either, she concludes, for under any system they act and react upon each other. Indeed, "Every economy in the world is a mixture of plan and no plan" (p. 127). "The socialist-capitalist controversy is a barren one." The real issue is reflected in the lives of individuals, in their happiness, security, freedom, personal development. The differences in systems are matters of expediency rather than of principle. "The case for planning," she maintains, "is not that it is identical with, but that, in certain circumstances, it is superior to, the planless method of settling economic priorities" (p. 43).

Since Dr. Hayek introduced his treatise on *The Road to Serfdom* as a "political book" rather than a study in economics, it is interesting to see how a highly qualified political scientist analyzes and rates his work. Finer finds that Hayek's use of the term "planning" is ambiguous, shifting, and out of line with ordinary usage. At one point, no one can oppose planning if it is "intelligent"; but at another point, all planning becomes totalitarian and inevitably ends with dictatorship. Apparently, there is no middle way. The American use of planning is arbitrarily thrust out of the picture. Likewise the British, including in the downward sweep the Liberal Beveridge and the Labor party. But Hayek enumerates a series of regulation governmental actions—not called "planning"—which are not only permissible, but essential.

Finer finds that Hayek's "rule of law," which he constantly invokes against planning, is based upon complete misunderstanding of this political-legal concept. The Anglo-American technical doctrine of the "rule of law," Finer holds, is completely out of the range of his former colleague's amateur comprehension. The "rule of law" which Hayek envisages is not a legal conception at all, but merely an assertion of the infallibility of the competitive process and its inherent right to proceed undisturbed.

Likewise, the idea of administration, or of administrative management, is held to be a blind spot in Dr. Hayek's vision. He constantly looks upon

administration as purely automatic, arbitrary, devoid of discrimination and flexibility, and impervious to principles of justice or reason. From the point of view of Dr. Finer and other qualified experts in the field of administration, it may be said that Hayek's position is not only untenable, but naive and fantastic.

Finer regards *The Road to Serfdom* as "the most sinister offensive against democracy to emerge from a democratic country for many decades." Hayek's discussion of "why the worst comes to the top" he considers a direct assault upon all the principal values in the democratic system. That the mass of the people are totally incapable of deciding anything of high consequence is a reversion to a line of thought which it was generally supposed Aristotle had ended centuries ago. Hayek's distrust and suspicion of democracy, indicated in their various forms and stages, are shown to be characteristic of his thought. Yet, what Hayek really distrusts is not merely majority rule or democracy. Beyond that, he protests against "conscious social control" itself, which to him is the real devil in social relations.

All in all, the work of Finer is a vigorous and effective type of political polemic. I do not recall so complete a work of demolition since Henry George wrote his *Perplexed Philosopher* in reply to the befuddled Herbert Spencer. Dr. Finer finds that "Hayek's apparatus of learning is deficient, his reading incomplete; that his understanding of the economic process is bigoted, his account of history false; that his political science is almost non-existent, his terminology misleading, his comprehension of British and American political procedure and mentality gravely defective; and that his attitude to average men and women is truculently authoritarian." This leaves little to be added, expect that it is cogently said, and constitutes a valuable and expert rating of one of the strange survivals of obscurantism in modern times. Pessimism, defeatism, timidity—all the marks of Doubting Castle are sign posts on the *Road to Serfdom.*

The counter-program of Dr. Finer, while very briefly stated, breathes the democratic spirit of confidence, and contains a progressive plan based upon hope rather than upon fear. This volume is on the "must" list for any one who read Hayek's dismal *Road to Serfdom* and wondered at its windings and whether it was really a road at all.

The fundamental difficulty with both of these volumes is that Hayek's cynical and confused appeals are not fundamentally directed to reason at all, but to fear and distrust. His volume is addressed to non-rational forces, and against forms of conscious social control. His conflicting arguments shade and fade confusingly into each other, but the dark doubts and fears remain the dominant characteristic. Just as Herbert Spencer, in his discussion of "The Coming Slavery" a generation ago did not hold consistently to his doctrine of the "survival of the fittest," so Hayek

does not hold firmly to his doctrine of the impossibility of "conscious social control as a guiding consideration in human association." Otherwise they would both have reached the terminus of anarchy. But to avoid a débâcle, they both began making so many exceptions to their rules that the pattern becomes incomprehensible to any except its maker.

CHARLES E. MERRIAM.

University of Chicago.

The Balance of Tomorrow. By ROBERT STRAUSZ-HUPÉ. (New York: G. P. Putnam's Sons. Pp. viii, 302. $3.50.)

Mr. Strausz-Hupé boldly essays the task of assessing the trends in the basic factors that will influence the future position of the United States in the global system of power politics. Changes are occurring in the material and human resources of nations. These changes are taking place at different rates in different nations, and their impact will alter the relative positions of nations in the world equilibrium of power. What the result will be is a question no less fascinating than formidable. Mr. Strausz-Hupé asserts that no simple geopolitical formula can be applied to the elements of power to produce a precise measure of national power, present or probable. National "power in its totality cannot be measured at all." Inexplicable fluctuations in power potentials occur, and nothing is more certain than that such changes will continue to occur. Yet rough "measurements are better than no measurements at all" (p. 7.) With a background of such warnings, Mr. Strausz-Hupé attempts a projection into the future of assessments of the major elements affecting national power—population, raw materials, and organization, i.e., economic organization and technology.

If other variables are equal, the nation with the biggest battalions enjoys military superiority and great strength in international politics. Evidence concerning this proposition is marshalled and the available data on trends in population of the major countries is brought together. In the future balancing of numbers, the position of the United States will be affected adversely as the country reaches a relatively stable population level. By 1970, the population of the Western nations will approximate the present number (growth in the Western Hemisphere having been offset by declines in Western Europe), while sharp increases in the U.S.S.R. and China and India are predicted. Numbers alone do not make for strength, but these differentials in growth, provided industrialization proceeds rapidly enough in Asia, "may prove to contain the world-political problem of the future." The United States has time to alter its probable future position in the manpower balance by a revision of its immigration policy.

The analysis of raw-material factors, like the study of population trends, is made difficult by the paucity of data on some areas. The future weight of raw materials in the balance of power depends in part on what happens to certain areas on which heavy industry can be based. The disposition of the Ruhr district will mightily influence the strength of Britain and France. Control of Manchuria will give control of Far Eastern heavy industry. In other areas, the degree of exploitation of resources whose control is fixed will have influence. Mr. Strausz-Hupé sees a great industrial development in the U.S.S.R., but believes that the development of the Soviet Far East will be retarded by the immediate needs of European Russia. India "is Asia's industrial powerhouse of tomorrow" (p. 169). The combination of basic raw materials and vast manpower in that country lays the basis for great potential power.

Even larger difficulties are met when one seeks to foresee what population can do with resources through organization—political, economic, and military. Ability to organize creates power. Here is foreseen a trend parallel to the population projections. Gains in American industry will be offset by declines in the industrial potential of our traditional European allies, while growth of productivity will occur in the U.S.S.R., China, and India. In the trends, however, no serious threat to the United States is seen "within this generation." After considering the ominous possibilities of all the trends combined, the author plumps for world "federation by consent."

Such, in rough outline, is the argument. It is not entirely unfamiliar, and part of the contribution of the book lies in the fact that it brings such material to a broad audience. With the treatment of population and raw materials, the experts in these fields may quibble, and the data are presented less exhaustively and critically than would have been possible in a book addressed to a technical audience. Yet the author has had the courage to tackle big questions, has synthesized a broad range of technical data bearing on these questions, and has presented his findings in well-organized fashion with admirable literary skill. Between the time of its printing and publication the book's thesis that prediction is difficult was fulfilled by the first use of atomic power in war; and a special preface was inserted dealing with the power implications of atomic fission.

V. O. Key, Jr.

Johns Hopkins University.

The Annihilation of Man. By Leslie Paul. (New York: Harcourt, Brace and Company. 1945. Pp. 214. $2.50.)

Many recent writers have been concerned with the underlying causes of the world's confusion in the period between the two great wars. The

growth and spread of Nazi philosophy in particular has received consideration, and has usually been interpreted in its political and economic aspects. Much attention has been given to German militarism, to political frustration, and to industrialist imperialism, as well as to youth movements, gangsterism, racial doctrines, tribal ideas of kinship and religion, and to other aspects of recent German ideas. In the small volume under review, Leslie Paul, a young British soldier, like many other young men who have known only a sick world, searches for the underlying causes of revolutions and wars, and especially of the terrible Nazi challenge to the ideals and traditions of the Western world.

His interpretation emphasizes the cultural and spiritual aspects of the problem, rather than the political and economic. He points out the remarkable and rapid scientific and material achievements of recent years, and the accompanying growth of a materialistic theory of society and the reduction of the individual to helplessness in a mechanized world. This is the "annihilation of man." With the disappearance of ethical standards and the failure of social, economic, and political ideas and institutions to adjust themselves satisfactorily in the rapidly changing world, the mystical revolt of the Fascist movement flourished and appealed especially to youth. The doctrinaire theories of Marxist materialism blinded the working classes to the real nature of the issue, and they failed to offer effective opposition. Instead of "stepping forward from an economic materialism to a spiritual society," man stepped backward to the primitive-heroic concepts of Nazism. In this way the cultural and ethical vacuum, created by science, was filled.

The analysis and criticism of the present situation, and the emphasis on the conflict between the fatalism which has often resulted from the scientific point of view and the moral standards with which the social sciences must be concerned, make this book worth reading. The author's solution, however, seems over-simple. He urges a restoration of the Christian faith and of a "spiritual" conception of life. How this is to be done, and in what way it would effectively remove the evils in the present world, the author does not say. His emphasis, however, on ideas and on cultural and ethical values is much needed in a world too much inclined to worship the state and to overvalue material success. If the intelligence and the spirit of this book represent the point of view of a considerable number of young men who have survived the great war, we may be hopeful for the future.

RAYMOND G. GETTELL.

University of California.

Freedom and Responsibility in the American Way of Life. By CARL L. BECKER. With an introductory essay by George H. Sabine. (New York: Alfred A. Knopf. 1945. Pp. xlii, 122, iv. $2.50.)

It was a happy decision that led the University of Michigan to invite the late Professor Carl Becker to deliver the first series of lectures on American institutions under the William W. Cook Foundation. No one could have sent the enterprise off to a more auspicious start.

Deeply impressed by the impact of technological change and political upheavals upon modern democracy, Professor Becker undertook in this series to examine our various liberties to see how they came about, how they may be justified, and how they must be reinterpreted if they are to be preserved in substance as well as in form. For this purpose, he discussed in five successive lectures the American political tradition, freedom of speech and press, freedom of learning and teaching, constitutional government, and private economic enterprise.

The main ideas about our present discontents that emerge from this exposition are familiar enough to students of politics. We have often been told that we can no longer take our liberties for granted, that freedom of speech must be reinterpreted in an age of mass advertising and the commercialized press, and that private economic enterprise must be modified by state intervention in order to correct the evils of free competition and to promote the general welfare. There is always injustice in applying party labels to a subtle mind, but the spirit in which Professor Becker wrote may be described conveniently, if crudely, as that of a philosophic New Dealer. He even concluded with some pages of approval for the ideas underlying the Murray-Kilgore bill.

Carl Becker had one of the most urbane, yet penetrating, minds of our time. He had massive common sense and a style of rare felicity. He was not especially original in his views on politics, but he illumined whatever he discussed by placing it in historical perspective, by the wit and irony with which he wrote, and by happy turns of expression. It was often the exquisite detail upon which one came so frequently rather than the main structure of his argument that delighted and rewarded the reader. And so it is with this book. Many have spoken and written about the similarities and dissimilarities between Democracy, Fascism, and Communism. We can hardly improve on Becker's aphorism: "The worst thing that can be said about the Americans or the English or the Russians is that they do not live up to their ideal aims. The worst thing that can be said about the German Nazis is that they do live up, or down, to their ideal aims" (p. 105). To read this slender volume is to enjoy an experience at once intellectual and aesthetic.

The introductory essay by Professor Sabine contains an acute, yet sympathetic, analysis of Carl Becker as an historian.

THOMAS P. PEARDON.

Barnard College.

The Executive in Action. By Marshall Edward Dimock. (New York and London: Harper and Brothers. 1945. Pp. ix, 276. $3.00.)

To this study of the job of the executive director of an enterprise, the author brings the broad outlook of a political scientist as well as the specialized knowledge of a student of public administration and actual experience in governmental service. He examines his topic in relation to every major aspect of management, and draws frequent and apt illustrations from the history of the Recruitment and Manning Organization (R. M. O.) of the War Shipping Administration (W. S. A.), of which he was the director. The result is no less than the outline of a self-consistent philosophy of administrative management.

The reviewer is in no sense a "specialist" or an "expert" in this field, and hence must leave to others appraisal of the contribution of this volume against the background of the literature of the subject. He does not hesitate, however, to express the decided conviction that Dr. Dimock's approach is basically sound.

The statements of the preceding paragraph involve one of those "seeming contradictions" which, as they appear in the field of management, the book under review does so much to show are "reconcilable." When the reviewer began to read, his first impression was that Dr. Dimock was elucidating the obvious. As he proceeded, however, the explanation became clear. The author was applying to the business of directing an enterprise that balanced judgment of the Aristotelian mean which should be brought to every sort of human activity, combined with that modern conception of principles which is summed up in John Dewey's now classic statement that they are "not fixed rules for deciding doubtful cases, but instrumentalities for their investigation, methods by which the net value of past experience is rendered available for the present scrutiny of new perplexities."

The reviewer thus found Dr. Dimock to be making the philosophical assumptions which he himself is convinced are a prerequisite of fruitful work in political science, and which he was even then attempting to bring to bear upon a different problem. The reader is, of course, free to accept this approach or to reject it. Since the reviewer is no more a "specialist" or an "expert" in philosophy than in management, he has not reconciled his self-contradiction in the second paragraph of this review. He has, however, thought about the philosophy of approach enough to justify, perhaps, his expression of a humble opinion.

James Hart.

University of Virginia.

A Tax Program for a Solvent America. By the Committee on Postwar Tax Policy, Roswell Magill, Chairman. (New York: The Ronald Press Company. 1945. Pp. x, 278, $3.00.)

This latest of a considerable and growing array of postwar tax plans is sponsored by a committee of which Roswell Magill is chairman and Harley L. Lutz is director of research. The committee and the report grew out of a conference in 1944 that unanimously approved a resolution "urging the importance of a program to develop a simple, equitable, and productive tax system, having in mind the effects of taxation on the vigor and vitality of the nation's economic system." Needs of the states were also to be given due consideration.

As to broad fiscal policy, the report recommends an annually balanced budget, regular retirement of debt, conservative public expenditures, and a diversified tax system. For diversification, special excises are preferred, but it is observed that, with a national income of 125 billion dollars and public expenditure of 22 billion dollars, a general sales tax would be required. Balancing the budget over the business cycle, with surpluses from the good years offsetting deficits from the bad, is rejected as the high road to "creeping inflation." The possibility that unemployment might be caused by over-saving is ignored. All will be well if enough incentive is allowed the risk-taker and a high level of business confidence is maintained.

As to specific tax measures, the personal income tax with a broad base and a high standard rate should be the main reliance. Corporations should be taxed at the standard rate applicable to individuals, and a credit should be provided to prevent the double taxation of equity earnings. The excess profits tax and declared-value capital stock tax should be repealed. A carry-over of business losses and more freedom in deducting depreciation should be allowed.

Less generally acceptable will be the view that undistributed profits should not be specially taxed and that present treatment of capital gains and losses and joint returns should be continued. The committee was divided as to tax-exempt securities and makes no recommendation concerning them. These issues are considered of minor importance. Most doubtful of all is the recommendation that death and gift taxes be relinquished by the federal government to the states, where they are less likely to be used with "the social motive of equalizing fortunes."

The supporting arguments for the above and other recommendations contain comparative data on British and American sources of revenue and on sources of equity capital. Yield estimates of various combinations of taxes with various assumptions as to national income are provided. The quantitative work appears to be carefully done, though the explanation of techniques is sometimes sketchy. Sections on federal tax administration and federal-state fiscal relations are also presented.

The report is well written and ably reasoned. On the assumptions that the economic problems we now face are substantially the same as those confronting us after World War I, and that nothing new of consequence

has been added during the thirties, the major tenets of the report would be acceptable as sound advice. These are, however, large assumptions—assumptions which the reviewer is unable to accept.

HAROLD M. GROVES.
University of Wisconsin.

The City Is the People. BY HENRY S. CHURCHILL. (New York: Reynal and Hitchcock. 1945. Pp. ix, 186. Illustrations. $3.00.)

This is a book on city planning by an architect of established reputation and successful practice, who holds that "architecture and city planning are one and the same." The work is in no sense a technical treatise, but one that should appeal to a wide range of public-spirited amateurs who are concerned about the plight of modern cities.

The breezy and informal nature of the book is illustrated by the six chapter headings: Antecedents, Precedents, Approach, Problems, Efforts, and Trends. These convey almost no idea as to the contents of the chapters. "Antecedents" sketches ancient and medieval city planning; "Precedents" deals with American city plans down to about 1900; "Approach" discusses the coming of modern city planning to the cities of the United States. The "Problems" in Chapter 4 are mainly those of physical planning, economic realities, and "social objectives." Finally "Efforts" deals briefly with various action programs in housing aed city planning under WPA, FHA, USHA, and other national and local agencies; and "Trends" develops numerous practical suggestions relative to neighborhood planning, public land ownership, and other topics.

The book is in a sense a polemic against some older city planning ideas and an essay in persuasion in favor of something new. City planning, it is urged, must conform to the dominant trends of the times in technology, science, economics, and warfare; but in our day it must also be democratic. Capitalism is accepted as the basis of economic life, but it must be a purified capitalism in which good living for the people, rather than bigness, money, or power, is the goal. Planning must begin with manageable neighborhoods of "living areas." Each of these smaller planning units must provide within itself for the major requirements of the good life—the factory and the job, the home, the play space, the school. It must help to reverse the downward trend of population. It must introduce real beauty into urban life.

In vigorous and salty language, the author assails as "haussmannizing" all grand plans for entire cities that forget the human factors in urban life. "The city is the people," and it must be planned for their living. But if this is so, then the city planner must go beyond what the author has suggested into a more thorough analysis of the social and political structure of cities, and nature, aspirations, and desires of the people.

Mr. Churchill assumes that he knows what is good for people. Even so, I think that he is on the right track, and I like his book.

WILLIAM ANDERSON.

University of Minnesota.

New Zealand and the Statute of Westminster. EDITED BY J. C. BEAGLEHOLE. (Wellington: Victoria University College. 1944. Pp. xx, 193. 10s. 6d.)

This volume, consisting of five lectures delivered in 1944 by members of the staff of Victoria University College, is designed to explain the significance of the Statute of Westminster and to present in brief form the main reasons for its acceptance by New Zealand. Although the cabinet early in 1944 stated its intention to ask Parliament to adopt the Statute, and thus obtain for the Dominion the advantages the Statute offers, no action has yet been taken. The disadvantages of delay in obtaining British approval for certain legislative acts, and the confusion resulting from uncertainty in the law and judicial decisions—both made worse by the need for speedy action in time of war—have not seemed great enough to overcome the reluctance of New Zealanders to do anything which might be interpreted as loosening the bonds between Great Britain and the Dominion.

The first chapters of the volume set forth the contrasts between the old Empire based upon authority and subordination and the new one characterized by consultation and autonomy. The change from one to the other, in the characteristic English manner, was accomplished partly by custom or convention and partly by statute. The Statute of Westminster represents the formal statutory recognition of equality of status.

The international position of the Dominions as independent states was fully recognized before the Statute of Westminster was passed by the British Parliament. The Dominions were members of the League of Nations, where they sometimes pursued independent policies; they sent and received diplomatic representatives; and they made treaties with foreign powers. The adoption by New Zealand of the Statute would not solve problems in this field, for they arise out of the fact that the Dominion is one of the small states the safety and prosperity of which is now generally recognized to depend upon the relationship of the great powers.

It is rather in the field of constitutional law that the real arguments for the adoption of the Statute of Westminster by New Zealand are to be found. The Dominion legislature cannot legislate extraterritorially, it cannot enact laws repugnant to imperial statutes applicable to New Zealand, and it is restricted by specific limitations under its Constitution Act. The first two restrictions would be wholly removed by the adoption

of the Statute. Many illustrations of the delays and uncertainties caused by these restrictions are presented; and they point to the conclusion that "extraterritoriality and repugnancy are anachronisms too dangerous to continue. Even in peace, they spell delay, uncertainty, waste of time of our own and of imperial authorities, clumsiness and inefficiency."

This volume supplies a useful addition to the literature dealing with the problems of the British Commonwealth of Nations. The appendix contains the report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926; the Statute of Westminster; the Colonial Laws Validity Act, 1865; and the Merchant Shipping Act, 1894.

ELMER D. GRAPER.

University of Pittsburgh.

The United States in Multi-National Economy. By JACOB VINER ET AL. (New York: Council on Foreign Relations. 1945. Pp. 174. $2.00.)

America's Rôle in the World Economy. By ALVIN H. HANSEN. (New York: W. W. Norton and Company. 1945. Pp. 197. $2.00.)

The five authors responsible for these two compact and meaty books—Jacob Viner, Percy Bidwell, William Diebold, Jr., Arthur D. Gayer, and Alvin Hansen (Hope L. MacBride has a short appendix in the first volume on "The Economic Basis of the Junker Class")—are dispassionate and reasonable men seeking to identify, establish, and defend a rational basis for American participation in multinational solutions to world problems. It is their belief that unilateral action on major issues is more than likely to injure both the acting nation and the rest of the world; as a corollary to this, they generally take the view that multinational action is necessary in order to get each of the great nations to act in its own best interests. For example, a unilateral reduction in tariffs by the United States is probably politically unfeasible. Multinational action, however, with a *quid pro quo* among the participants, would have far more promise of success.

In the collective volume, Jacob Viner, in "The American Interest in the Colonial Problem," is principally concerned with a word of caution to the United States: the colonial experience of the United States, in comparison with that of the colonial powers, is not such as to justify the United States in proposing a full-dress colonial program; it had better think through its own interests as a basis for discussing proposals initiated by the colonial powers. Percy Bidwell, in "Postwar Controls of the German Economy," reviews several of the possible methods of controlling the postwar German economy with a view to preventing any redevelopment of German military strength. He takes the general position that a degree of German economic prosperity is essential to the full revival of Europe, and he suggests that the remedy lies, not in unilaterally imposed

rigid restrictions on Germany, but rather in the establishment of general conventions in which Germany is required to participate. This central thesis is repeated in a later chapter by the same author, "The Expansion of International Trade," in which he advocates multilateralism as the true basis for the development of postwar commercial policy.

William Diebold, Jr., treats two special problems, "What Shall Germany Pay?" and "The American Merchant Marine After the War." The former continues the thought in Bidwell's chapter—that the basic element in postwar world policy toward Germany should be consideration for the future welfare of Europe and the world, and not some theory of retribution looking toward the indefinite impoverishing of Germany and inevitably to some extent of Europe. The American merchant marine is examined in relation to probable world postwar shipping needs, and the problem is discussed from the point of view of American ships being the principal source for the reconstitution of the shipping of a number of the United Nations. Arthur Gayer, in "The Economic Aspect of Lend-Lease," reviews the evolution of lend-lease policy and also the quantitative developments in both lend-lease and reverse lend-lease. His conclusions, while not sharply defined, point to the moral solidarity of the United Nations, the difference between goods consumed in the course of combat and the remainder, and the great importance of lend-lease principles of settlement to the world economic welfare in the postwar period.

Alvin Hansen's chapter, "International Monetary and Financial Programs," treats of problems covered more fully in his own book. In this book, he has undertaken to explain in non-technical terms the principal international monetary and financial developments of the war period: "The International Bank for Reconstruction and Development," "The International Monetary Fund," "The United Nations Relief and Rehabilitation Administration," "The Food and Agricultural Organization of the United Nations," "The International Labor Organization," "The Economic and Social Council of the World Security Organization"; and he concludes with a number of short chapters on exports, imports, domestic full employment, and monopoly and cartels. The explanation is largely a sympathetic and reasoned defense of these new institutions and the direction of international developments for which they stand. In addition to the above, Dr. Hansen proposes the establishment of an "International Trade Authority" to concern itself with international trade practices—the elimination of discriminatory practices and the promotion of a sounder international trade structure. In the other volume, Percy Bidwell proposes a very similar organization, which he calls "The United Nations Trade Commission."

Since this is not the place for detailed technical analysis, I have no criticism of the essays in these volumes save to say that, as is common in

cases of dispassionate reasoning of an idealistic kind, proposals are advanced with a good deal more optimism as to probable results than the political realities warrant. This is no criticism; it is merely a caution that objectives, even methodological objectives, must be considered in relation to practical ways and means of securing the necessary political action.

HARVEY PINNEY.

Office of Price Administration.

National Power and the Structure of Foreign Trade. By ALBERT O. HIRSCHMAN. (Berkeley and Los Angeles: University of California Press. 1945. Pp. xiv, 170. $3.00.)

This book is an essay and a statistical investigation in economic theory. From the standpoint of political science, it has particular value in International Relations, because the work of several specialized fields must be fitted together to form a realistic panorama of national power, foreign policy, and problems of peace maintenance. One important area is foreign trade and its uses for national aims.

Several writers have already carefully studied specific examples of techniques designed to derive more than commercial advantage from the trading system (such as the German trade offensive and economic penetration in southeastern Europe and Latin America). Dr. Hirschman is inquiring into a more fundamental problem: What is the nature of a system of international trade that can be exploited for purposes of national power policy? The question is important, since it points to an element in the international situation which is not necessarily temporary nor confined to the methods or circumstances of which any particular government has actually taken advantage. In fact, political power may be only latent in commercial relations: economic situations alone, not conscious policy, may bring about at least the initial impetus to power relationships which a nation will find tempting to capitalize. The significant point is that power elements and disequilibria are potentially inherent in what we view as ordinary and "harmless" trade relations. The contribution of this volume is that it makes clear under what circumstances and by what means such results may accrue.

The presentation achieves the merit of unity despite employment of a variety of approaches. Part I is an over-all but compact theoretical and historical analysis of the political uses of foreign trade; Part II tests statistically the presence and evolution of certain conditions previously described as leading to greater national power. Tables and indices illustrate features of the geographical distribution of world trade or its commodity-composition.

The conclusions are especially pertinent to discussion of postwar re-

construction, for the fear of economic aggression will be a major preoccupation of those who determine policy. Dr. Hirschman's appraisal of various proposals to solve this question leads to the principle that there must be a "frontal attack" upon the institution of national economic sovereignty. This, of course, is not a revolutionary thought. But it proceeds in this case not so much from existing evils of economic nationalism as from a recognition of the risks connected with further expansion of trade if such trade is organized on strictly separate national lines.

The statistical inquiries indicate that traditional notions as to trade between industrial and "undeveloped" nations may be incorrect. The extent to which world trade has been based on exchange of manufactures against raw materials and foodstuffs has been overrated; not only a large proportion, but the most rapidly growing part, of international trade consists of exchange between developed countries. Such findings might well affect an alteration in policies based on the fear of industrialization of agricultural nations. If so, a contribution has been made not only to theory but to the goal of healthier external economic relations.

J. WILLIAM ROBINSON.

Purdue University.

America's Stake in Britain's Future. By GEORGE SOULE. (New York: The Viking Press. 1945. Pp. 232. $2.75.)

For a two-month period during the last year of the war, George Soule visited England. In an unofficial capacity, he talked with business men, government officials, engineers, workers, physicians, housewives—in fact, with representatives of almost all walks of life—in an effort to discover what men and women were thinking of the future in England and the relationship of that future to what may or may not develop in America. This volume is in the nature of a report on the visit.

That Mr. Soule writes well is merely to state what almost everyone knows. He is singularly adept in ferreting out basic issues, clarifying them, and setting them in proper perspective in a medley of other issues and conditions—political, social, and economic. Moreover, Mr. Soule does not present his subject with a fatal air of dry finality; rather, with a questioning curiosity which admits of possible error, he leaves the reader with a feeling of stimulation and enrichment. Whether or not one agrees with Mr. Soule matters little, agreement or disagreement having small validity as a measure of value in books; the important thing is that a book lead to thought beyond its covers, and this volume has this quality.

"How is Britain," asks Mr. Soule, "to cope with the impending lack of balance between her peacetime requirements for purchase of goods abroad and her means of paying for them? If she does not find a way of coping with it, disaster is in sight" (p. 23). This is an old problem and a complex

one; only it is more pertinent and more complex today. "Unless enough food can be obtained, the people will starve. Unless timber can be imported, houses cannot be built. Those engaged in the great cotton textile industry will have no employment unless it is possible to purchase abroad the raw cotton to spin and weave" (p. 33). The remedy is exports and more exports. Upon the volume of exports will depend the success of Britain's domestic program: expanded social security, health, education, and housing programs. Where does the United States fit into the picture? In a chapter entitled "Why Britain Fears America," Mr. Soule declares that, first, "it is necessary for the survival of Britain that we maintain full employment in the United States by distributing to our own people the highest level of living we are capable of producing"; and second, that once having attained this objective, we "maintain it steadily instead of allowing employment and production to collapse . . ." (p. 65). This, Mr. Soule contends, requires a planned and controlled economy, to the end that "there would not develop the distortions and failures of equilibrium which inevitably lead to slumps" (p. 66). To maintain her domestic program, Britain will have to sell to us in order to buy; to sell to us, our people will have to be prosperous and our tariffs lowered. The alternative is the building of a "trading area capable of insulating itself from the American economy" (p. 66).

Why is all this so important? Mr. Soule holds that as far as concerns world trade there are only two great powers: the United States and the United Kingdom. These two "are so far ahead of the others in exporting and importing capacity that what they do will determine the course of world economy for years to come" (p. 216), not to speak of the establishment of conditions which might make world conflict less probable.

C. GORDON POST.

Vassar College.

The Challenge of Red China. By GUNTHER STEIN. (New York and London: Whittlesey House, McGraw-Hill Book Company, Inc., 1945. Pp. x, 490. $3.50.)

This is a work which contains a challenge in its content as well as in its title. The reader must decide on the bases of his predilections and prejudices, the author's reputation, position, and apparent competence, and the materials offered, whether to accept the study as an honest attempt on the part of the author to report on what he has seen and experienced—or whether to dub the writer a knave and a fool, and the work a piece of arrant propaganda. If he decides that the study and its author are honest, he is almost bound to declare that *The Challenge of Red China* is one of the best interpretations to come out of the area designated. If, on the contrary, he decides that the author is a knave and a fool, in other

words a "Red" (or a Communist, hence untrustworthy as a channel of information) and a "lying propagandist," he is almost bound to admit that it is one of the cleverest pieces of "propaganda" yet put forth on behalf of benighted northwestern China.

Chapter I, in its title "Moment of Destiny" (written after the collapse of Japan which followed the completion of the work), strikes the keynote of the volume: "Even before the Japanese laid down their arms, Chinese rushed to take them up to fight Chinese. Would they still hesitate, desist? Would America and Russia unite in a decision to *make* them halt? Or would they fan the fire, unheedful of the consequences? That fateful moment would decide the future of the hard-won peace of China—and of Asia and the world. . . .

"In the foreground—*Chungking*. . . .The Kuomintang's political and administrative machinery was tightened. It meant preparation for a new struggle. The watchword was not Peace. It was Alert. And—*Yenan*. . . . More than ever, the Communists were bracing themselves, planning, organizing, strengthening their armed forces. Here, too, in spite of elation at victory, the watchword was not Peace. It was Alert. . . .

"The 95,000,000 people in those [Communist] areas had derived social and economic progress from this new system and advocated it in neighboring regions. Many seemed ready to fight for it, if the Kuomintang tried to come back and to reëstablish its régime in place of the popular New Democracy. . . ."

Mr Stein's work is packed with information relating primarily to the Communist-controlled areas of northwestern China. A great deal of light is thrown, however, upon the China of Chiang Kai-shek, since it was from his China, and after having covered that area, that the author and other Western news-gatherers entered the northern provinces. Indoctrinated to the best of Chungking's ability, but more than mildly irritated by the Kuomintang censorship, the correspondents who left Chungking on May 17, 1944, were determined to learn the worst—as well as the best— concerning Yenan and its dependencies. Apparently the Generalissimo was as confident as that Biblical character who ordered, "Curse me these people"; certainly he was determined to make the punishment fit the crime of the pertinacious correspondents, since, in finally granting permission for them to travel Yenanwards, he stipulated that they stay in Communist China for a minimum of three months. They did so, and much of what they reported was not pleasing. They learned, for example, that some of those who had been reported by Chungking as cruelly slain by the Communists were working enthusiastically with the Communists; they learned also that there was much more to the delightfully clean Labor Training Camp at Sian than Dr. Lin Yu-tang had been permitted to see and report upon; they learned, moreover, that "Chinese nationalism [is] a more character-

istic trait of Yenan's idealogy than Marxism," and that the Yenan Communists "keep their ears to the ground—to Chinese ground, not to Radio Moscow." And Mr. Stein, at least, found much more evidence of democracy in the north than he had in Kuomintang China in recent years. Some of the effects of Chungking's prevention of medical and surgical supplies reaching the Communists are reported with feeling.

One of the most valuable chapters in the book, particularly in the light of contemporary American policy in China, is the one entitled "Three-Cornered Warfare," in which a masterly analysis is presented of the strategies of the Kuomintang and the Kungchantang leaders with respect to the Sino-Japanese War of 1937–1945. Complementary to this is the account of why "Stilwell Had To Go." But slightly less interesting is the chapter entitled "The Testimony of an Oxford Man"—the Hon. Michael Lindsay, who is not a Communist. Students of contemporary Chinese literature will find much of value in the account of Ting Ling, one of the most famous women writers in China's history. The numerous wood-block illustrations indicate that China's Communists do not pay all of their attention to materialistic ideology, and that the creative age of Chinese art has not yet ended.

HARLEY FARNSWORTH MACNAIR.

University of Chicago.

The Chinese Constitution. BY PAN WEI-TUNG. (Washington D. C.: Institute of Chinese Culture. 1945. Pp. xi, 327. $4.00.)

The author describes this book as "a study of forty years of constitution-making in China." The study is substantial but brief, and is essentially a history of formal aspects of constitutional evolution. It may be regarded as explanatory of the appended seventeen documents, which are allotted nearly two-thirds of the volume. Dr. Pan has not dealt with the operation of government, with party organization and programs, or with provincial and local government. He does not attempt to discuss constitutional issues until he reaches the current controversy. Nevertheless, his contribution is scholarly, and the collection of constitutional documents, for the period 1909–43, will be a boon to students. The bibliography is extensive and well-selected, and there is an index. The utilization of the book would have been greatly increased had it been issued at half the price, which would seem to have been feasible since few of the translations are original.

Two chapters cover the constitutional aspects of the Republican revolution and the subsequent years of tuchunal rivalry. A chapter is devoted to the various organic instruments of the National Government, another to the draft constitution of 1936, which is, to date, the government's answer to opponents of dictatorship, and a fifth chapter to the organization and accomplishments of the People's Political Council. There is also

a short chapter of summary and conclusion. The author makes interesting comparisons between the several Chinese instruments and the constitutions of European countries and the United States.

He approaches most nearly to critical analysis in his treatment of the People's Political Council, in which he very ably explains the contradictory views of Chinese commentators regarding the implementation of democratic principles. His treatment reveals the confusion in many Chinese minds upon the distinction between "policy" and "administration," confusion which they have inherited from Sun Yat-sen. Sun believed whole-heartedly in popular sovereignty, but he made the fatal mistake of treating "legislation" as one of five administrative powers. This basic error has been embodied in the constitution now awaiting consideration by a national convention. It denies to the people, as Lo Lung-chi, leader of one of the smaller democratic parties, has explained, the essential weapon of democracy. Dr. Pan appreciates the necessity of departure from Dr. Sun's "five-power" scheme if the people are to enjoy political power, but he might well have developed the point more fully and clearly. Sun Fo's draft may satisfy the Kuomintang, but it will hardly be accepted by the democratic and radical elements. Were Sun Yat-sen alive today, it may be doubted whether he would sponsor it.

HAROLD S. QUIGLEY.

University of Minnesota.

Inter-American Affairs, 1944. An Annual Survey: No. 4. EDITED BY ARTHUR P. WHITAKER. (New York: Columbia University Press. 1945. Pp. ix, 284. $3.00.)

It is perhaps rhetorical to ascribe the stature of an institution to a series of annual surveys now only four years old. Considering the recent development of systematic attention to the field in question, the maturity and breadth of these volumes, and the ready place they have won for themselves, the label "institution" is not, however, too far-fetched. It is to be doubted whether any comparable survey series shows the vigor and liveliness, and at the same time the profoundness and penetration, that this group of volumes displays.

The organization of the current volume is similar to that of preceding ones. Professor Whitaker contributes the initial chapter ("Pan America in Politics and Diplomacy") and the final summary and forecast. Professor John P. Humphrey, of McGill University, writes on Canada. Various aspects of "Economic Development in Latin America " are discussed by Drs. Miron Burgin and Charles F. Carson, of the U. S. Department of Commerce, and Professor Sanford A. Mosk, of the University of California. Otis E. Mulliken and Sarah E. Roberts, both of the Department of State, contribute a chapter on "Labor and Social Welfare." Professor

Madaline W. Nichols, of Goucher College, writes on cultural relations. The content of the volume is completed by a well-chosen bibliography of 1944 and 1945 publications, several statistical tables, a list of chief executives and foreign ministers, a table of inter-American conferences in 1944, a list of commercial treaties and agreements, and a chronology for the year. Six maps and charts are included.

Volume 4 in this series makes a very commendable departure from the self-imposed limitation of earlier volumes in devoting considerable attention to domestic developments in the several Republics. If the term "Inter-American Affairs" is to be interpreted entirely literally, it would perhaps suggest limitation to strictly international relations. However, it becomes artificial to treat the latter topics with an entire absence of the foundation provided by a presentation and interpretation of internal developments. The editor of the volume, in particular, strikes an admirable balance in apportioning the emphasis between the internal and the international.

There is still the problem, perhaps insoluble, of achieving perspective at the possible cost of sacrificing detail. This challenge is perhaps best exemplified by the chapter on labor. Another dilemma of sorts is posed by the closeness in content, in part, of the various portions of the chapter on economic matters. Professor Mosk has done an uncommonly good job in analyzing the economic thought of Latin America as revealed in a wide variety of printed sources, but such material must of necessity come fairly close to parts of that presented by Dr. Burgin. The volume contains a few trivial errors or omissions that do not justify individual mention.

Now that the war is over, it is to be hoped that a future volume may contain a penetrating analysis of the military establishments and potential, and of the war contribution, of the Latin American states. Lack of access to information would probably have prevented such a study previously. The Latin American military is to so considerable an extent a conditioning influence in public life that an analysis of the kind would be invaluable.

Inter-American Affairs has become not only useful but indispensable to those students and laymen interested in keeping abreast, by intelligent interpretations, with developments in the area treated.

RUSSELL H. FITZGIBBON.

University of California at Los Angeles.

International Regulation of Fisheries. By L. LARRY LEONARD. (Washington D. C.: Carnegie Endowment for International Peace. 1944. Pp. x, 201. $2.00.)

This volume, published as No. 7 in the Monograph Series of the Carnegie Endowment's Division of International Law, and issued in coöperation with the International Secretariat of the Institute of Pacific Relations,

provides a brief but readable and useful survey of a large subject. That certain phases of the subject have in the past given rise to sharp international controversy is well known. Discussion of some of the questions involved would appear to be timely in view of the recent proclamation by the President of the United States concerning the establishment of conservation zones in those areas of the high seas contiguous to the coasts of this country, in which zones fishing activity is to be subject to the regulation and control of the United States and other nations interested therein [10 *Fed. Reg.* 12301 (Oct. 2, 1945)].

The manner in which "rights" and "interests" have figured in international fisheries controversies is ably presented throughout the historical parts of the study. The author notes that it is generally agreed that territorial waters extend to a minimum of three miles from low-water mark, but that there is by no means universal acceptance of the three-mile limit as fixing the maximum extent of such waters. As to the exercise of extensive jurisdiction in the case of fisheries on the bottom of the sea floor, or in cases involving products below the sea floor, he suggests that the "ultimate test of rights to sovereignty in these areas . . . would lie in the nature of the use of these rights and whether they interfere with established principles of the freedom of the sea" (p. 151). Discussing means of securing special rights of protective jurisdiction beyond the three-mile limit, he points to the advantages of international agreements as contrasted with the method of unilateral action (pp. 171–172). Considering that "current legal principles" are "inadequate to protect the fisheries and eliminate conflicts" (p. 165), he proposes the utilization of scientific findings concerning the life cycles of the various species of fish, and the establishment of an international administration of fisheries which would make possible protection both within and beyond marginal seas, "without raising the disturbing question of the extent of territorial waters" (p. 186).

To the brevity of the study may be due some failures to clarify at certain points. Thus the statement that the most-favored-nation clause might be extended to cover fisheries, "or some similar device developed" (p. 170), does not indicate what other standard of treatment may be in mind. There is an apparent tendency to bracket a number of Latin American Republics in references to "these Latin American countries" or "the states of Latin America" (pp. 139, 151).

Approximately nine pages toward the end of the final chapter are given to the presentation of a project under the caption, "Organization and Functioning of the International Fisheries Office." Here the author has outlined in some detail his views concerning the arrangement which he considers it desirable to have for the purpose of assuring adequate fishery protection.

ROBERT R. WILSON.

Duke University.

Balkan Background. By BERNARD NEWMAN. (New York: The Macmillan Company. 1945, Pp. 354. $2.50.)

Crossroads of Two Continents; A Democratic Federation of East-Central Europe. By FELIKS GROSS. (New York: Columbia University Press. 1945. Pp. x, 162. $2.00.)

These are two "background" books, one for the general reader who wishes information about the Balkans, the other for those interested in federalization of Eastern Europe. Both were written before the end of the war; it could be said that this enhances their value because they stress some important events and viewpoints which have disappeared from our headlines, but whose effects are bound to continue.

The main strength of the book by Mr. Newman, the well-known expert on the Balkans, is that it conveys a good picture of the different personalities, as it were, of the various peoples of that region—and yet manages to show the basic similarity of many of their problems. Mr. Newman knows and likes the peoples of the Balkans. His reporting is not marred by condescension or generalizations; he pulls no punches; he points at many things that must be changed; but he is confident about the possibilities of the future. Again and again, he stresses that "we have to destroy poverty as well as fascism" in that part of Europe. He wants a modernization of the thinking of the peasant. He demands that the three big powers act in unison, and "with generosity"; then they "can lay the foundations for Balkan peace and prosperity. Yet, the edifice must be built by the Balkan peoples themselves. Their first insistence should be on real democracy."

Mr. Newman considers over-population "the essential cause of Balkan depression"—a point of view with which many would disagree, particularly because he does not make it quite clear whether the alleged overpopulation is only relative, i.e., would disappear with improvement of agricultural techniques. He correctly emphasizes the need for "local industrialization," that is, industrialization which takes into account the different psychology of the different nations. He points out that "the new financing of the Balkans can never be satisfactorily undertaken by private capital. . . . Only governments or, better still, international combinations of governments, can attempt the necessary capitalization of the Balkans."

This author recommends a federation of the Balkan states proper, i.e., of the countries south of Austria, Czechoslovakia, and Poland. But he realizes that nationalism is rampant in these areas, and that federation would not work without a previous full agreement on frontiers; and he devotes large sections of his book to showing how greatly the issues have been complicated by the fact that some of the Balkan countries fought with, and some against, the Allies in the recent war. "The outstanding

grievances must be removed *first;* then friendship and federation will follow." While inviting the big powers to "encourage all practical ideas of Balkan unity," he warns that a "hard-cast scheme would crack at the first jolt" and that, therefore, "a flexible federation in the first instance might be preferable." Obviously, he is thinking of some form of confederation, and even that not for the immediate future.

Since the book is not meant to be a scientific work, the author cannot be blamed for not indicating any sources for the many statements he makes. Nevertheless, one would like to know the sources of some of his more startling statements, e.g. that during the war Germany tried to bribe Turkey by offering her an empire comprising Iran, Iraq, Palestine, Transjordania, the Suez Canal, and the Southern Caucasus. The conversational tone of the book is sometimes carried too far. For example, the "peasant program" jointly elaborated during the war by Bulgarian, Czechoslovak, Greek, Hungarian, Polish, Rumanian, and Yugoslav statesmen is condensed, somewhat arbitrarily, to about one-fourth of its original length. Yet the reader receives the impression that this is a genuine quotation. In view of the frequent changes which occurred in the governments-in-exile, it would also have been advisable to mention the date of that program (July 9, 1942).

Crossroads of Two Continents, which contains documentary material not easily available, is devoted to a single topic, namely the desirability of regional organization in Central and Southeastern Europe. It sketches the history of certain efforts in this direction, in which Mr. Gross sometimes participated in an official capacity. Unfortunately, the author, eager to show how popular the idea has been with many leaders, does not discuss the all-important fact that the different plans were supposed to serve very diverse purposes. In the opinion of Mr. Gross, "the desideratum is a completely integrated federation from the Baltic to the Aegean," i.e., of Albania, Austria, Bulgaria, Czechoslovakia, Greece, Hungary, Poland, Rumania, and Yugoslavia. But he also offers two somewhat less ambitious alternatives: a plan providing for a "Polish-Czechoslovak union" and a Danubian federation consisting of the other states just mentioned; and a plan providing for "three federations": a Polish-Czechoslovak federation, a middle federation of Austria, Hungary, and Rumania, and a union of the remaining states. The terms "federation," "union," "federalism," etc., are often used in a non-technical sense. The following carefully worded summary shows, however, that the author is well aware of the number and complexity of the prerequisites for any organizational integration of those parts of Europe:

"The Central and Eastern European federation is the final form, the most adequate, to meet the necessities of this section of Europe. But such an organization will fulfill the hopes of the people only if it is built on the

following principles: (1) A . . . federation integrated with a European system (based on a regional scheme), and part of a world-wide union or league, but not an autarchic or politically closed system. (2) Friendly relations with the U. S. A., Great Britain, and friendly and close coöperation with the U.S.S.R. (3) A . . . federation based on integral federalism, which means: (a) a democratic system and inner federalization that would provide autonomy and self-government for all national minorities; (b) cultural federalization providing cultural autonomy, freedom, and equality for all nationalities in mixed areas and developing in cultural relations and friendships; (c) social federalization based on equalization of social patterns, social justice, and social security in all countries of the federation; and (d) economic federalization—a customs union, a common economic plan, and an adequate economic development integrated with a global economic system."

It must be noted that ethnic and economic problems are particularly closely interconnected in those areas. Mr. Gross, as we have just seen, considers "equalization of social patterns" to be one of the prerequisites for a successful federalization of the countries concerned. In many of these countries, following their liberation from German domination, this reorganization is being carried out in the name of a popular nationalism which gives, e.g., a characteristic flavor to the "nationalization" of big industry in Czechoslovakia or the distribution of land in Hungary, Poland, and Rumania. Gross fails to make clear that the prewar pacts in that region were made in defense against aggressive tendencies from other Balkan and Eastern European states, and he does not discuss at all a point which Newman duly emphasizes, namely, that prewar animosities have been enormously increased by the late war, in which states, groups, and factions in these regions were found fighting against one another. Now, the measures against "collaborationists" and the remaking of the social and national patterns seem to demand all the strength of these states. It may be that many a boundary question must be settled, and that the blood of Balkan peoples spilled by other Balkan peoples, must dry, before closer coöperation can emerge.

JOHN H. E. FRIED.

Montreal, Canada.

Atomic Energy for Military Purposes; The Official Report on the Development of the Atomic Bomb under the Auspices of the United States Government, 1940–1945. By HENRY D. SMYTH. (Princeton, N. J.: Princeton University Press. 1945. Pp. 264. $2.00 cloth, $1.25 paper.)

This book is, with some modifications, the official report of the "Manhattan District," U. S. Corps of Engineers. It was prepared prior to the release of the atomic bomb over Japan and was published immediately

thereafter before any analysis of the actual effects of the use of the bomb had been made. The report was prepared with a professional audience in view—scientists and engineers throughout the country who could read and interpret for a wider audience.

The text as a whole, therefore, has a considerable amount of technical material in it which makes straight page-by-page reading fairly difficult for the layman. Nevertheless, even the layman who has no speaking acquaintance at all with nuclear physics can get a fair grasp of the types and difficulties of the many technical problems faced and solved in the process of developing a scientific theory into a two-billion-dollar project in applied science.

The report is prepared to cover developments by periods (to December, 1941, the metallurgical project of 1942, the Plutonium production problem of 1943 to 1945, the administrative history, 1942–45) and a number of special major technical problems. Usually the technical problem and its solution are explained first, and then the method of organizing and administering the machinery for finding and applying solutions.

Taking both the technical and the administrative elements, certain things of deep interest stand out. The first is the importance of theoretical developments to the whole project and all during the life of the project. Theory had to precede application by sufficient distance to permit the development of engineering plans and to forecast problems, possible failures, possible alternatives where failures occurred, and so on. The second outstanding feature is that the project was a large-scale development of pure and applied science—it required the organization of complex intellectual processes into a sort of production line which would turn out results by definite dates.

A third feature of the project was its successful risk-taking character. At a great many points in the process, it was necessary to develop engineering plans and start work before the theoretical analyses and checks were anywhere near completion. In fact, the whole project was a gigantic risk, the results of which demonstrated the soundness of the scientific work which underlay the undertaking. It was on November 6, 1941, a month before Pearl Harbor, for example, that the National Academy of Sciences committee reported: "A fission bomb of superlatively destructive power will result from bringing quickly together a sufficient mass of element U–235. This seems to be as sure as any untried prediction based upon theory and experiment can be." From this date on, inspired by the sure knowledge that the Germans were also working on atomic possibilities, the project gained momentum and reached its successful conclusion in July, 1945.

While this is not a satisfactory popular treatise, it is authentic, official, factual, and full of somewhat prosaically handled dramatic interest. As

the first official report of the greatest scientific development of our generation, it deserves reading.

HARVEY PINNEY.

Office of Price Administration.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The Senate and the Versailles Mandate System (Washington: The Minorities Press, 1945, pp. vi, 112, $2.00), by Rayford W. Logan, indicates by its title the burden of the book: an examination of the attitude of members of the United States Senate towards the mandate provisions of the League of Nations Covenant during the crucial period when American membership in the League was first under consideration. The timeliness of such a subject is obvious in view of the trusteeship provisions of the United Nations Charter, to which the United States has already adhered, and in view of the recent American proposals, at the London Council of Foreign Ministers, with respect to the disposition of the former Italian colonies in Africa. As pointed out in the preface, the chapters represent part of the fruits of research for a larger work soon to be published on "The African Mandates in World Politics." It may be questioned whether the present volume has not suffered from the author's preoccupation with the African mandates. The reader is left with a clear impression of the extent to which race prejudice was aroused on the floor of the Senate whenever the discussion turned to the former German colonies in Africa. On the other hand, the views of the senators on the general principle of mandates for backward areas and the application of the principle to parts of the Ottoman Empire and the German islands in the Pacific remain largely conjectural. It is possible that this lack of clarity may result also from the method employed in presenting the subject. The book consists of an entirely chronological presentation of relevant or semi-relevant statements made during Senate debates by numerous individual senators. No attempt is made to analyze or arrange these statements topically. The result tends to be a wealth of undigested material. Only dimly can the reader glimpse the picture of a United States Senate governed strongly by race prejudice, bitterly opposed to any commitment which might necessitate the presence of American troops in foreign lands to maintain security and order, or under which the United States might have to accept responsibility for the implementation of its own high principle of the free development and self-determination of peoples.—DOROTHY B. MCCOWN.

Under the title, *Universal Military Training and National Security*, the September, 1945, issue of *The Annals of the American Academy of Political*

and Social Science (Vol. 241, pp. vii, 204, $2.00 paper), edited by Paul Russell Anderson, president of Pennsylvania College for Women, offers twenty articles divided among five general topics: "Background," "Military Considerations," "Cultural Considerations," "Alternatives," and "Security Plans Among Other Great Powers." The authors present materials of great value, despite their preparation before the release of the atomic bomb. "The volume is focused on a discussion of the present plans of the armed services and does not consider all possible variations of military training" (p. vii), but considerations favorable and unfavorable to compulsory military training in peacetime are treated with admirable balance. It is unfortunate, however, that no article gives adequate attention to the positions of organized labor, farm organizations, or religious groups. Aside from passing references, only pages 81 to 83 are devoted to such information. The article on Great Britain is disappointing in the sense that it has little relation to military security; and the reader will be likely to regret the absence of analysis of compulsory military training in the smaller democratic states. The military as a source of pressure is a subject which some experienced legislator might have been induced to discuss. But the problems related to the issue are too diverse to permit comprehensiveness within limited space. The articles are ably buttressed with factual data. The essay, "A Sociologist Looks at Conscription," provides a convenient summary of affirmative and negative arguments and reaches a conclusion—without convincing the reviewer—by following the method of balancing advantages and disadvantages recommended by Benjamin Franklin.—FRANKLIN L. BURDETTE.

Lewis Paul Todd's *Wartime Relations of the Federal Government and the Public Schools, 1917–1918* (Bureau of Publications, Teachers College, Columbia University, pp. xi, 240, $3.15) covers more than the title indicates. Chapter I, for example, gives a general survey of the organization and activities of the Creel Committee on Public Information; its fifth and last section deals with disseminating propaganda in and through the public schools. Subsequent chapters contain brief sketches of the origin and development of the Children's Bureau, the U. S. Public Health Service, and other agencies which turned to the schools for assistance in their wartime duties. The author shows how the schools were used to stimulate patriotism (much of the stimulation being provided by pressure groups, with governmental officials trying to check the resulting hysteria), to further military training, to improve health, to conserve food, to sell war bonds, and to train skilled workers. An effective wartime educational organization was obstructed by decentralization and by national agencies frequently working at cross purposes. For instance, the shortage of teachers was a problem for whose solution independent and often con-

flicting policies were pursued by War's Committee on Education and Special Training, Interior's Bureau of Education, and Labor's Teachers Professional Service Division. This carefully documented research seems to have been done mainly in 1941. (One study appearing in June, 1942, is cited.) Had it been published immediately, it might have aided in determining appropriate relations between the national government and the public schools during World War II. Coming from the press in 1945, however, it seems inadequate without comparisons with relations in the the two world wars. Military training in the schools, 1939–41, and increased governmental interest in vocational education in the late 1930's are the only aspects noted in the later period. The reviewer hopes that the author is already at work on a companion volume dealing with relations between the national government and the public schools in World War II.—HOWARD WHITE.

In *California Government; Politics and Administration* (University of California Press, 1945, pp. 344, $3.00), the authors, Wriston W. Crouch and Dean E. McHenry, make a splendid contribution to the newer stock of studies in state and local governments. The book was prepared as a text or manual of government and administration. As such, it carries the conventional chapters on the state constitution, elections, the three departments of government, forms of local government, finance, personnel administration, and seven chapters describing administrative services and functions in the state. Included in these chapters, together with the details of organization and operation, are some references to the historical development of principles and slight comparisons with practices in other states. The reader who anticipates more than a clear, complete, and instructive description of government and politics will be disappointed. The book is not, nor was it intended to be, an analytical or critical study of institutions and practices. The out-of-state student who has been told of the distinctive features of California government will likewise be disappointed. Chapter IV, "Politics: California Model," is interestingly written and carries local color. On the other hand, the chapter, "The Initiative, Referendum, Recall," is a factual and detailed account of attempts at popular control. The problem of legislative apportionment, the split-session, the selection of judicial officers, the administrative functions of the judicial council, etc.—features of the government which are generally regarded by outsiders as no less typically Californian than the Redwoods or Death Valley—are quietly but adequately presented, without fanfare, critical analysis, or special reference to problems peculiar to California politics. All in all, the book is a well-organized, well-balanced, and substantial text. Although we need many more critical and analytical studies in the areas of state and local government, teaching in the field

will be improved by the publication of substantial and reliable texts. This book makes such a contribution. It carries adequate footnotes, a select bibliography at the end of each chapter, and a useful index.—HAROLD M. DORR.

What the Informed Citizen Needs to Know (Duell, Sloan and Pearce, 1945, pp. 377, $3.00), edited by Bruce Bliven and A. G. Mezerik, is a challenging symposium, pointed to the solution of modern problems. The editors dedicate the work to Franklin Delano Roosevelt, whose "hopes and ideals are the thread which bind this book together." Twenty-two essays are grouped under two headings: I, America and the World; II, Americans at Home. In Section I, Edward Stettinius discusses the United Nations Charter; Wendell Berge points out the importance of world trade to the future prosperity of America; Morris L. Cooke considers World Industrialization; William L. Batt expresses great hope for a continuance of friendly relations with the U.S.S.R.; Samuel Guy Inman urges that the inter-American family be fused by the fraternization of democratic countries with others of like principles; Senator Elbert D. Thomas emphasizes the responsibility of the United States in its participation in the United Nations Relief and Rehabilitation Administration. In Section II, Henry A. Wallace supports his program of "Jobs for All"; Chester Bowles warns against the dangers of inflation; Philip Murray considers "Labor's New Responsibilities." Subjects such as veterans, housing, minorities, health, patents and monopolies are also discussed. In the summarizing chapter, "Difficult Ways to Magnificent Hopes," the authors assert that "each of our writers is an engineer submitting a blueprint for a part of the complicated social and economic machine which must be built" (p. 266). "In this new America, much new responsibility will rest on government" to assure to each individual an equal start in health, in housing, in nutrition, and in education" (pp. 267–268). An appendix of eighty-one pages contains the text of the United Nations Charter, the Atlantic Charter, the Report of the Crimea Conference, the Bretton Woods Agreements, the G. I. Bill of Rights, the New Charter for Labor and Management (March, 1945), and a compilation of quotations from President Roosevelt's addresses, under the heading "A Creed for Americans." Twelve pages of bibliography are also useful.—MONA FLETCHER.

The increasing importance of the labor movement in the United States created a need for ready reference data. The seventh volume of the *Labor Fact Book* (International Publishers, 1945, pp. 208, $2.25) gives factual data for 1943 and 1944, compiled by the Labor Research Association. The book is patently favorable to the C.I.O. and the principle of industrial unionism. It supports the F.E.P.C. and the United Nations trade union

organization. In general, facts reported relate to the social problems arising out of the war, and especially as they affect the common man. Agriculture and its problems rate ten pages, and equal space is given to discrimination against Negroes and to the trade union organization (C.T.A.L.) of Latin America. There are also brief accounts of the last two national conventions of the C.I.O. and A. F. of L., with succinct statements of official policy and statistics on membership of constituent unions. Attention is given the contribution of labor during the war (especially in regard to strikes), to the loss of man-hours in strikes, and to the general adherence to the no-strike pledge.—CORTEZ A. M. EWING.

Surprise awaits the reader who opens Gerhard Hirchfield's *Social Security, Past, Present, and Future* (American Taxpayers Association, 1945, pp. 116, $1.00). Initially suspected of deep bias and bitterness, Hirchfield proves critical of some phases of proposed extensions of the social security system within the United States. There are traces of bitterness, but his is no blind rage, distorting perspective and upsetting balance. The author's concern is with the age-old dilemma of man—how to be free to the fullest extent possible to try what he wishes in the sphere of economic endeavor, and yet to be secure from the nauseas, the toxins, the hazards, of that self-same free enterprise. Conservatively approached, the posing of this problem by Hirchfield is temperate in tone and candid in manner, revealing a multiplicity of questions worthy of deep consideration. The basic reactions to be gained by the social scientist through the perusal of this work are a deep realization of the complexity of the problem of social security and an insistent sense of caution in the face of comprehensively proposed solutions therefor.—CHARLES W. SHULL.

Education for Use of Regional Resources (Committee on Southern Regional Studies and Education of the American Council on Education, 1945, pp. 129) is the report of a second conference held at Gatlinburg, Tennessee, by a group of social scientists and educators for considering ways and means to bridge the gap between research and general education in the whole sphere of Southern resources, whether physical or human. This report follows a previous conference report, which bore the title *Channeling Research Into Education*, and it indicates a serious concern in the South about giving educational emphasis to regional resources and conservation in the most popular sense. The movement is coöperative and distinctly in line with regional needs. It seeks to achieve results both through the school-room and through such informal processes as press and radio. A news-letter for the cause has been launched, and a one-volume work has been projected for the purpose of educating the educators. The difficult exploratory work has been achieved, as the present report indi-

cates. The more difficult task of reaching the masses through enlightened rank-and-file teachers remains ahead. Offices of the Committee are at the University of North Carolina.—H. C. NIXON.

Sidney and Beatrice Webb have demonstrated that the material for a nation's institution-building is not confined to the public archives, but is to be found in the piles of records of coöperatives and trade unions. On this side, similar pioneering was done by Richard T. Ely of the University of Wisconsin and George E. Barnett of Johns Hopkins University. Professor Barnett published in 1907 a *Trial Bibliography of American Trade Union Publications* which has served American students for more than a generation. It was therefore fitting that the crowning job in opening American trade union material to students should have been performed at Johns Hopkins University. A three-volume work prepared by Lloyd G. Reynolds and Charles C. Killingsworth—*Trade Union Publications* (Johns Hopkins Press, 1944, $25.00)—will enable future generations of students to do research on particular trade union practices throughout the entire length and breadth of American trade unionism rather than be confined to a single organization by the obvious impossibility of bailing out an ocean. Reynolds and Killingsworth and their staff have literally bailed out the ocean of trade union material and have indexed each drop under its proper heading in Volumes II and III. But they have performed an additional service in Volume I, in which they have given an authentic history of every union organization that ever existed in America. To say that students are under a lasting obligation to this team of fearless and indefatigable workers is to put it only too tritely.—SELIG PERLMAN.

FOREIGN GOVERNMENT AND POLITICS

Even after more than a quarter of a century, the stupendous event of the Russian Revolution still casts its shadow over all discussion of Russian issues. This is true in the realm of scholarship, as in any other, and it is understandable enough. The modern social scientist, even less than his predecessors perhaps, cannot successfully establish himself "above the struggle," valiantly as he may (and ought to) try. There is no escape from the pressures and projections of a narrowing and conflict-ridden world. All the more does one welcome contributions from those whose closeness to the physical sciences holds the promise of a high degree of objectivity and impartiality in the appraisal of relevant factual material. This is one reason why *The Basis of Soviet Strength* (Whittlesey House, pp. xi, 287, $3.00), by George B. Cressey, distinguished American geographer—a lucid study of the peoples, the land, and the physical resources of the Soviet Union—will be a most welcome aid to the student of international relations and comparative government as well as to the general reader.

In ten chapters, enlivened by helpful charts, maps, statistics, and photographs, he expounds the socio-political mould, the topographic pattern of Eurasia, the Soviet people, the physical foundation, Soviet mineral wealth, industrialization, the U.S.S.R.'s regional framework in Soviet Europe, Middle Asia, and Soviet Siberia, as well as the "Geostrategy and the Future of the Union." For the political scientist, the chapters on the Soviet people and industrialization and the concluding one on "Geostrategy" may be the most useful. The section on Middle Asia and Soviet Siberia, written from extensive personal knowledge, will be found equally instructive. Where he becomes "geostrategist," the author—by his own admission—leaves the field of mere geographic description and analysis, becomes "active," "and deals with forces and results" (p. 237), as an unpretentious and sober geopolitico. By exploring ten basic natural elements in their interrelationship (size, shape, accessibility, location, boundaries, relation to ocean, topography, natural resources, climate, people), he undertakes to examine the validity of the Heartland concept which Mackinder in 1943 once more applied to Russia. Cressey concludes that, because of its outlets to the Pacific and its contact with Europe and the Atlantic world, the U.S.S.R. is not the same as the Heartland, a concept whose ultimate value he questions: "Peace and prosperity lie not in withdrawal into the interior, but in active coöperation in a world society" (p. 245). The concluding section of this chapter consists of a warm and informed plea for intelligent Soviet-American relations, which must be founded upon mutual requirements—the practical conclusion of the geographer's "geostrategy." This is an able and informing contribution, deserving the attention of specialist and general student alike.—WOLFGANG H. KRAUS.

Whether Professor Julius Stone's *Recent Trends in English Precedent* (Associated General Publications, 1945, pp. vi, $2.25) should be described as the substance of a series of lectures or as a sample chapter from the same author's book on jurisprudence is not altogether clear. The foreword refers to the lectures (for members of the profession in New South Wales returned from service), and explains that the present publication is primarily for the benefit of practitioners who had been unable to attend them. On the other hand, the volume contains a complete table of contents for the larger work, according to which Chapter VII of Part 1 (there entitled "Fallacies of the Logical Form in Legal Reasoning") is "substantially" the content of the present book. Since there are frequent footnoted references to earlier and later sections of the larger book, it seems likely that "substantially" is an understatement. In all but title, therefore, it may be assumed that we have before us one of twenty-seven chapters of a treatise entitled "The Province and Function of Law,"

running to over 1,000 pages. As such a sample, and given the title which it bears as part of the larger whole, this little book fulfills its mission. It is a painstaking analysis of the uses and abuses of logic in judicial interpretation. The first two sections deal with interpretation of the French Civil Code and the uncodified Modern Roman Law, respectively. The rest of the book deals with British practice, in connection with which the author sets for himself this question: "What are the features of our system of precedent which can give an appearance of stability and continuity and nevertheless permit constant change to take place, new propositions to be established, old ones discarded in whole or in part, and permit all this to proceed seemingly on the basis of logical deduction from preëxisting premises" (p. 20). The author seems to feel that his principal contribution toward an answer lies in the detailed and technical demonstration that many, if not most, legal categories cannot yield certainty of results when treated logically as major premises for the syllogism. Thus he deals with legal categories of "meaningless reference," "concealed multiple reference," "competing reference," "concealed circuitous reference," and "indeterminate reference." He is also concerned to illustrate the more familiar thesis that legal categories should not be employed deductively with rigorous compulsion as respects the case in hand, because "human" or "social" interests are thereby frequently sacrificed. The documentation is thorough, the commentary judicious. The reviewer's only *caveat* turns on the title used, which suggests a much more broadly synthetic treatment of trends than is understandably appropriate for a single step in an elaborate survey of legal problems.—KENNETH C. COLE.

For students of political parties, of socialism, and of British Commonwealth affairs, the rise of the C.C.F. (Coöperative Commonwealth Federation) in Canada, like the rise of its fellow-labor-socialist parties in Great Britain, Australia, and New Zealand, is an event of importance. The traditional monopoly of political powers in Canada by the Liberal and Conservative parties has been seriously challenged and partially broken by the relatively young third party. Although its hopes of becoming the majority or the chief opposition party in the House of Commons as a result of the 1945 elections were disappointed, the party's principles were central issues in the campaign, and its strength constitutes a standing threat to the old parties. In Saskatchewan, the C.C.F. has formed its first government; in Manitoba and British Columbia, it is the official opposition, in each case facing a Liberal-Conservative coalition government; in other provinces, it has established legislative footholds. Information concerning the program and policies of the C.C.F is now available in two books, published when the party believed itself on the threshold of power: *Left Turn, Canada* (Duell, Sloan and Pearce, 1945, pp. 247,

$2.75), by M. J. Coldwell, the leader of the C.C.F., and *Planning For Freedom* (Ontario C.C.F., Toronto, 1944, pp. 180, $1.00), a series of lectures given by C.C.F. leaders. Both books present the doctrine of democratic socialism, in the form of specific policies worked out in terms of Canadian conditions and Canadian problems. Both argue the need for economic planning and stress the importance of democratic processes, and both indicate the belief of the C.C.F. that these are not incompatible goals. The symposium deals successively with the problems confronting post-war Canada: socialized health services, community planning and housing, veterans' rehabilitation, social ownership, money, natural resources, agriculture, labor legislation, social security, and education. In each case the C.C.F. policy for dealing with the problem is presented. A concluding chapter analyzes the structure of the party itself. The book by Coldwell covers some of the same ground, but gives greater emphasis to the party's past actions and policies. Of special interest are the opening chapters on the origin and growth of the party in the thirties and the case study of C.C.F. government in Saskatchewan, demonstrating the capacity of farmer and worker to unite for political action.—H. Gordon Skilling.

Hermann Levy's *National Health Insurance* (Cambridge: At the University Press; New York: Macmillan Co., 1945, pp. x, 366, $4.50) is a devastating analysis of the inadequate policy and wasteful administrative organization forced upon the British cabinet in 1911 by the insurance lobby. After briefly sketching the pressures that moulded British health insurance and the restrictions which these imposed upon its scope, the author depicts in detail the benefits granted, showing how in Britain cash benefit has never been correlated either with a worker's earnings or with his needs, and how medical attention, hospital care, and drugs and appliances have had to be provided largely through other channels than compulsory health insurance. Coming next to the heart of his argument, he shows how these deficiencies are inherent in the method of administration through "approved societies"; and he strongly advocates the substitution of administration through territorial funds which could easily be coördinated with other aspects of the public health service. As in the book on *Workmen's Compensation* and *Industrial Assurance* which he wrote in collaboration with Sir Arnold Wilson, M.P., Levy has drawn heavily on studies made by the International Labour Organization, and especially on its *International Survey of Social Services*, in order to find standards by which to judge British practice; and he flays the Royal Commission of 1925–26 for complacently flying in the face of evidence and of international experience. Although joining Sir William Beveridge in what Lloyd George once called the "campaign against poverty, squalor, and disease,"

he rejects Beveridge's conception of a uniform flat-rate benefit administered by a single centralized fund. Students of the administrative implications of socialized medicine will find Levy's study of British experience invaluable, and the National Institute of Economic and Social Research of London deserves congratulation upon this contribution to the comparative study of welfare administration.—W. HARDY WICKWAR.

INTERNATIONAL LAW AND RELATIONS

Henry Morgenthau's little book, *Germany Is Our Problem* (Harper, pp. 239, $2.00), ought to be very widely read and pondered. Some who want to preserve Germany as a pawn against Russia have tried to give the impression that there is something vindictive about the Morgenthau plan for preventing a third German war. Nothing in this easily read book bears out that impression. Aided by the vast amount of information which came to the Treasury Department during his long tenure, Morgenthau has simply seen that no disarmament of Germany will be worth anything that does not include the demobilization of her heavy industry. That this should be done, few will openly deny; but many argue that it cannot be done, that Germany is the industrial heart of Europe, and that the welfare of all Europe requires that she remain so. It would be "uneconomic" to remove German heavy industries to other lands. In sober, moderate fashion the author reveals this thesis to be a myth. For the past half-century, German heavy industry has been the curse of Europe, not its benefactor. Nor has it ever supplied any large part of Europe's industrial needs. Throughout the book, the author stands everlastingly on the principle that it is better to have a strong Europe than a strong Germany. It is difficult for anyone to deny this proposition, yet so many vested interests are involved that there is great danger of an escape for German heavy industry. Many of us seem fated always to be taken in by German pleas that after all they *are* the superior people. This book shows, too, that the Germans have looted and starved the other European peoples until the Germans are stronger, relatively, than ever. All that they need for another trial at European mastery is the preservation of their industrial power. The outstanding contribution of the book is the evidence in it that the German people can have a tolerable standard of living if turned back upon the service and consumers goods industries and upon the land. The Polish boundary has been fixed further west than the author anticipated, and the loss of some of Germany's best farm land disturbs his plan to a degree. Nevertheless, he shows clearly that if we have the resolution to do it we can give additional millions of Germans a decent, healthy living on the land. Doubtless, the packing of additional millions of Germans from Czechoslovakia, Austria, and Poland into the smaller Germany will complicate the problem. It may now be impossible to clear the Ruhr

of Germans. But this key area can still be internationalized and its control effectively taken from German hands. Pulling Germany's economic fangs is a matter of life and death, not only for Europe, but for all of us in the atomic age. This is a book which every person who wants to make our victory stick will need to read.—D. F. FLEMING.

The title of this volume by Roland Hall Sharp, the *Christian Science Monitor's* staff correspondent on Latin American affairs, *South America Uncensored* (Longmans, Green, 1945, pp. xv, 363, $3.50), is on the whole accurate. On the other hand, although the volume expresses the author's ideas with all governmental restrictions eliminated it does not necessarily follow that the result is a strictly impartial and objective picture. Dr. Sharp is honest and sincere and is a well-trained observer in a field where he has had a long and varied experience, but he is so militantly liberal and fanatically anti-fascist that his attitude constantly colors his reporting. Getulio Vargas is his *bête noir*, and the President of Brazil and his *Estado Novo* arouse Dr. Sharp's emotions so considerably that they receive relatively altogether too much attention. On the other hand, Colonel Péron and the military clique that surrounds him go almost unscathed. In fact, the intimation is conveyed on several occasions that one of the chief reasons for the present acceptance by the Argentine people of their fascist rulers is that the State Department in Washington has supported a fascist régime in Brazil. This is obviously a *non sequitur*, but even if not, it is difficult to see why the United States, fighting for its existence, should not coöperate with a government whose support was so vital to our war effort, regardless of its internal policy. In fact, Dr. Sharp later on, in his descriptive chapters, which incidentally give a superb picture of the South American scene, declares that the Natal Bulge "has served day and night as one of the most vital aërial bridges for conveying personnel and supplies to the war fronts." The volume is really in two parts. The first, entitled "Jungles of Fascism" and "Genuine Good Neighborliness," is a scathing indictment of fascism wherever it rears its head in South America, with a full recognition of the democratic tendencies of Uruguay and Chile. The second and best part of the book is entitled "Portrait of a Continent" and "In Search of Frontiers" and gives a vivid and enticing account of the South American countries, including the vast hinterland which is so rarely seen by the traveler. But above all the reporting is realistic. The rubber program of the United States is considered frankly and critically, and after reading the section devoted to Amazonia the prospective agricultural colonist might be expected to go elsewhere. The value of the volume is enhanced by many excellent photographs.—GRAHAM H. STUART.

In his *Nationalism and After* (Macmillan Co., 1945, pp. 76, $1.25), Edward Hallett Carr deals briefly but pointedly with the problem of nationalism and the prospects for an effective internationalism following World War II. Mr. Carr says that the modern history of world politics is divided into three periods—the first coming to an end with the French Revolution and the Napoleonic wars, the second lasting until the outbreak of war in 1914, and the third covering the period from 1914 to 1939. Inability to reconcile the forces of nationalism and internationalism during these periods was the basic factor leading to the failure of attempts at international coöperation among states. Mr. Carr then raises the question as to whether or not we can, in this fourth period of international relations, reconcile the conflicting forces prevalent in the world and create a workable form of international organization which will prevent future wars. He sees certain indications, however, of a successful internationalism following World War II. Modern technological developments have refused to recognize national boundary lines, and the solution of the problems they tend to create must be by multi-national action. More emphasis must be placed upon the attainment of greater equality of all individuals rather than upon the equality of nations. Principles of state relationship which were tried at the end of World War I and found wanting, such as self-determination and strategic frontiers, will aid in the development of other principles for the guidance of international politics in the future. Some of these must be equality of opportunity, "freedom from want," and "full employment." But Professor Carr is not sure that the present relations among the United States, Great Britain, and Russia permit of a favorable outlook for the development of an internationalism that may avoid war. Many old traditions, he says, will have to be discarded and new ones created before Europe and the world can recover their balance in the aftermath of the age of nationalism.—CARL M. FRASURE.

The Naval War College's *International Documents, 1943* (U. S. Government Printing Office, 1945, pp. v, 138), prepared, as usual since 1938, in collaboration with P. S. Wild, Jr., contains twenty-two documents. Of these, six deal with international law, sixteen with international politics. Four of the six international law documents (Nos. I–IV) are concerned with the rights and duties of belligerents and neutrals in naval and aërial warfare on and over the high seas, and present selections from various sources with regard to visit and search, destruction of prizes, war zones, and defense areas. Perhaps the most striking, but not unexpected, rule mentioned in this connection is that "enemy armed merchant ships may be sunk on sight" (p. 10). Significantly enough, also, nothing is said under this general heading about contraband of war or blockade—topics which

took most of the space in the abortive London Declaration of 1909. Of the remaining two international law documents, one (No. V) relates to our agreement with China regarding jurisdiction over criminal offenses by armed forces; the other (No. XVII) tells of our protests to Japan regarding the treatment of prisoners of war and civilian internees. All of these international legal documents present, as it were, partly the law in action and partly the law in the books. The sixteen documents falling under the heading of policy and, at best, indicative of possible future trends in the development of international law, speak largely of the joint and several war and peace aims of the United Nations. Here we find, for example, a draft of the agreement for setting up the United Nations Relief and Rehabilitation Administration (No. VII), the Moscow, Cairo, and Teheran Declarations (Nos. XI, XII, XIII), a United States statement on postwar security (No. XX), as well as pronouncements indicating the attitude of the "Big Three" toward Italy (No. IX) and of the United States toward small nations (No. XIX), toward the Philippine puppet government (No. X), and toward Spain and Argentina (Nos. XIV, XV). All in all, this slender volume represents a handy collection of some of the more important legal and political maxims observed or sponsored by us in the late war.—GEORGE MANNER.

With his long experience as director of the Minorities Questions Section of the League of Nations, Mr. P. de Azcárate, in his monograph on *League of Nations and National Minorities* (Carnegie Endowment for International Peace, Division of International Law, pp. ix, 216, distributed by Columbia University Press, $2.00), has written an authoritative account of the treatment given to minority problems between the two World Wars. The book, translated from the Spanish by Miss Eileen E. Brooks, is the fifth in a series of studies in the administration of international law. After discussing some of the general problems relating to minorities and describing the principal minority groups in Europe, the author proceeds in three chapters to analyze the system established for the protection of such peoples. The point of view throughout is objective, and consequently the comments and criticisms which Mr. de Azcárate makes deserve attention. He believes that "the assurance and guarantee of a régime of equality between national minorities and the majority in a state are the objectives of an international system for the protection of minorities." He is critical of the League minority system, showing that it was regarded as unsatisfactory by the governments of the minority countries, by the minorities themselves, and by world opinion. One full chapter is devoted to the minority régime in Upper Silesia, as it operated under the Geneva Convention of 1922, because it provides the "only precedent for a system to which recourse may conceivably be

had in the future . . . ." Although he feels that the outstanding feature of the Upper Silesian régime, the despatch of an international agent to settle difficulties on the spot, might be adopted in the future, the author does not advocate it. Throughout he confines himself to an analysis of efforts of the past without arguing for any particular procedure for future adoption. The book should, however, be useful to those who are responsible for the future treatment of minority problems.—NORMAN L. HILL.

POLITICAL THEORY AND MISCELLANEOUS

Social scientists are gradually coming to realize the urgency and necessity of answering a question they have long been content to ignore or to regard as irrelevant to their "scientific" endeavors—namely, what is the true nature and destiny of man? If few are yet prepared to acknowledge the logical priority of metaphysical speculation, many are finding it more and more difficult to evade the questions posed by metaphysical and theological inquiry. Miss Gladys Bryson's *Man and Society; The Scottish Inquiry of the Eighteenth Century* (Princeton University Press, 1945, pp. ix, 287, $3.00), is a most welcome contribution in an area of inquiry too long neglected. Focussing her attention upon the great Scottish moral philosophers of the eighteenth century—Hume, Smith, Hutcheson, Ferguson, Reid, Stewart, Kames, and Monboddo—the author delineates the basic presuppositions of eighteenth-century moral philosophy. Her scholarship is thorough and conscientious and her style of writing delightfully readable. Her purpose in undertaking the study, however, is not entirely clear. Her aim, she declares, is "not . . . that of recalling any twentieth-century social scientists to the positions so loved of the eighteenth, nor of tracing this idea or that of our day back to an earlier exponent," but rather "the effort of the earlier group to lay the foundations for an empirical science of man, a goal which we have not yet completely achieved" (p. 3). Such a study, she insists in her introduction, "may be useful" in disclosing whether or not our own empirical procedures may not be "infected . . . by false notions carried over unexamined and unsuspected" (p. 4). Since, however, her book ends with the question, "To what degree have our ideas been affected—or infected—by that origin?" (p. 245), when we were encouraged to expect a straightforward answer, it is doubtful whether she has achieved, even in her own mind, an answer to the question she first posed. At times she writes with an enthusiasm that leads the reader to suspect that the moral philosophers, in her opinion, had something really important to say about human nature and society; but, on other occasions, her manner is so condescendingly tolerant that the reader is forced to revise his first judgment. It seems to this reviewer that the author would have made a much greater contribution to the actual clarification of the dilemma in which the modern social sciences

find themselves if she had approached the moral philosophy of the eighteenth century without the preconceptions that spring from a deep and abiding loyalty to John Dewey. She would not have been as likely to write: "Ethics, thus, was the final arbiter in the theories of social organization and behavior—a position completely justified when the theorists were, as these men were, moral philosophers" (p. 238). Does she mean to say that the ethical evaluation of political theory and behavior is justifiable only when one is an eighteenth-century moral philosopher? That is strange news, indeed.—JOHN H. HALLOWELL.

One of the most ambitious essays on government and politics to come from the pen of a Latin-American scholar in recent years is Professor Lourival Gomes Machado's *Alguns Aspectos Actuais do Problema do Método, Objeto e Divisões da Ciência Política* (Universidade de S. Paulo, Faculdade de Filosofia, Ciências e Letras, 1943, pp. 113). Published as the author's doctoral dissertation at the University of São Paulo, Dr. Gomes Machado undertakes to define political science, outline its boundaries, classify and evaluate its methods, and relate it to cognate disciplines. Recognizing the importance of government in solving problems of organized society, the author argues that political science as the "science" of government must extend its boundaries to include the historical, anthropological, juridical, psychological, and sociological methods. It might be questionable to employ the terminology of cognate disciplines to designate methodology in political science, but if the procedure is followed, then the author logically is forced to recognize that fundamentally the historical and anthropological methods are one and the same in their emphasis on chronology (p. 39). On the other hand, sociology and political science (and psychology too) find an agreeable meeting ground in the use, among others, of the inductive method (p. 58). Following the author's own approach, it is unfortunate that he makes no detailed reference to the similarity of the formal methods of political science and economics. He concludes that the inductive-comparative method should be used most frequently by political science (pp. 95, 99), but on the other hand, he expresses lack of confidence in the historical and anthropological methods as means for solving contemporary problems of government (pp. 96–97). But the author's main emphasis is on the meaning and ends of the state. Political science as a discipline, however, has methods which are used to analyze the structure and functions of governmental institutions. These Dr. Gomes Machado fails to give proper attention. Indeed, he gives no consideration at all to the case method of studying principles of law, nor to the statistical method so useful in the field of elections and public opinion and propaganda, nor to any of the other major methods applicable to thinking on functional problems. He does nothing more than touch

briefly on political science as an "art," recognizing the need for formalizing and evaluating methods of accomplishing political results (pp. 80–81). Dr. Gomes Machado's appreciation of the thought of nineteenth- and twentieth-century political thinkers and their methodologies is good, but he almost completely overlooks the contributions of a number of distinguished political scientists of Latin America. He reflects the traditional attraction of the Latin American for Léon Duguit (p. 63), but although he mentions Laski prominently with modern pluralism, he does not indicate Duguit's contribution to this development (p. 67). The essay is stimulating, well-organized, and important in the sense that it comes to grips with a problem that has attracted the serious attention of political scientists in recent years.—WILLIAM S. STOKES.

In *The Classical Republicans* (Northwestern University Studies in the Humanities, No. 9, 1945, pp. xi, 225, $4.00), Zera S. Fink has undertaken to investigate the classical element in the republican political literature of seventeenth-century England. The volume is well written and painstakingly documented, but it involves considerable repetition and is designed for readers trained primarily in English literature. The political scientist will find much of the background tedious, yet many allusions to literary personages, especially Milton, bafflingly incomplete. The careful comparative analysis of the poet's republicanism over two decades assumes the reader's acquaintance with fourteen distinct prose works. Easier to understand is the suggestion that *Paradise Regained* may have political implications. Milton, who lacked the usual republican admiration for the Roman dictatorship, so represented Satan's failure to tempt Christ as to make it the failure of a dictator appointed in hell to meet an extraordinary emergency. Only occasionally can Milton's views be presented as illustrations of the study's central theme, which is that English republicanism was founded upon the classical ideal of the mixed polity, especially the Polybian version favored by Machiavelli in his *Discourses on Livy* and believed to be illustrated by the contemporary government of Venice. Harrington, however, explicitly based his system upon "ancient prudence" as "retrieved" by "Machiavel," and followed Venetian models in such important matters as the ballot, rotation in office, and indirect election. In order that England, unlike Venice but like Rome, might be equipped for expansion rather than mere preservation, Harrington insisted that the democratic element must have preponderance over the aristocratic, and advocated an agrarian law to that end. The republicanism and the imperialism of *Oceana* sprang from the same classical roots. To Henry Nevill and Algernon Sydney, writing in Restoration England, advocacy of limited monarchy was a mere disguise for repulicanism, but the English constitution after the Glorious Revolution received genuine admiration

as an embodiment of the classical ideal of the mixed polity. In the peerage bill controversy of 1719, the issue between Addison and Steele was whether restricting the creation of new peers would preserve or destroy the happy balance between monarchical, aristocratic, and democratic elements. It was only with Montesquieu's study of the English constitution that this classical ideal of mixed government was transformed into an ideal of balance between the legislative, executive, and judicial powers of the state.—MARGARET SPAHR.

It seems odd that centuries of the multiplication of books (although this is not quite the moment to complain of that), and of criticism of them, have not insisted more than they have upon the advantage of the short, well-put statement over the prolix and voluminous kind that crowd the libraries. A case in point is the highly readable and worth-while little volume by G. C. Field, professor of philosophy in the University of Bristol, *Pacifism and Conscientious Objection* (Cambridge: At the University Press; New York: Macmillan Co., 1945, pp. vii, 122, $1.25), published as Number 24 of the series entitled "Current Problems" under the editorship of Sir Ernest Barker. The essay does not profess to exhaust the subject. Yet it sums up with clarity and weight pretty much the whole answer to the various kinds of pacifism, as these have been encountered by the author during his service upon one of the English tribunals charged with adjudicating the claims of the conscientious objector. The author's position is that pacifism can be ultimately justified neither as national policy nor as individual duty. Yet the enlightened state will see the advantage, in all reason and in its own interest, of recognizing the claims of objectors such as are willing in some way to be of aid to the community. Accordingly, the principles of alternative service are usefully set forth. By and large, the reason which pervades these pages reflects the attitude which Britin has taken toward conscientious objectors with even more consideration that has our own country. It would be hard to find a better mark than this of what the war was for, as contrasted with what it was fought against.—WALTER SANDELIUS.

Norman Cousins' famous editorial in the *Saturday Review of Literature* on the implications of atomic energy has been expanded to twice its original length, making an equally challenging book, *Modern Man Is Obsolete* (Viking Press, 1945, pp. 59, $1.00). The nature of man, causes of war, science versus morals, specialized against general education, concepts of sovereignty, the United Nations Charter, and finally the urgency of world government are all considered. So far as I am aware, the argument for world government has never been so cogently made before. The major arguments against it are not disregarded either. They are given their due,

but they offer no consolation to those who follow the author's seminal thinking. All other methods of saving civilization rest on naked chance. The United Nations Charter is, the author maintains, a feeble and antiquated instrument for dealing with the problems of an Atomic Age. The hope that time might work for peace which would permit the Charter to be strengthened and implemented into a real and durable world structure is blasted. Cousins holds that the time factor has been reversed. The longer we wait, the more difficult it becomes to achieve world government. The reader may try to answer his logic; the reviewer begs off. Moral leadership obliges us to call, not another conference, but a constitutional convention. The manipulation of real governmental power on a world scale, it is recognized, is fraught with dangers. The multiple problem boils down to simply this: Can modern man bring up and keep his social, economic, and political institutions apace with his scientific achievements. Granted that this is the immediate problem of all mankind. It is more particularly the responsibility of the educators (the short-sighted response of some college presidents has been to call for expansion of the facilities of the physical sciences); indeed the author has put the finger directly on us—the so-called political scientists.—JOHN A. PERKINS.

To summarize the ideas scattered through 700 pages of rambling text and assemble them about some central themes is the difficult task Albert R. Chandler, professor of philosophy at Ohio State University, sets himself in *Rosenberg's Nazi Myth* (Cornell University Press, 1945, pp. ix, 146, $1.75). He has successfully grouped and critically analyzed the leading Nazi philosopher's views on race, on Christianity, on social philosophy, and on a variety of other topics. But it would be asking too much to expect any one to bring order out of chaos and make clarity prevail where none exists. Here again it is amply demonstrated that the Nazis had no systematic philosophy. Rosenberg's book is aptly characterized as "eloquent partisan propaganda, dressed up in voluminous but uncritical erudition rather than in critical scholarship or humane and broad-minded statesmanship." Boiling down many pages of Rosenberg's explanation, the Myth is defined as "a view of life and nature that is accepted on faith and inspires social action. It is a kind of cult or religion or intuitive philosophy." Its center is a belief in the racial interpretation of history and the supremacy of the Nordics. The author includes a summary and refutation of the Protocols of Zion, which Rosenberg quotes with approval. He discusses all too briefly the criticism which has been levied against the *Mythus* by Catholic and Protestant scholars in Germany. Professor Chandler is on the whole very sympathetic to the Catholic viewpoint and devotes, rather unnecessarily, several pages to Catholic pronouncements against anti-semitism. He quotes with approval Karl Barth's

statement that the Protestants of Germany "almost unanimously welcomed the Hitler régime with real confidence, indeed with highest hopes." Here an analysis should have been made of the conclusion of the Hitler-Vatican Concordat and the action of the Center party in 1933, in order to give a rounded and complete picture of the attitude of the two great branches of the German church to the rise of Hitlerism.—E. C. HELMREICH.

John R. Baker's *Science and the Planned State* (Macmillan Co., 1945, pp. 120) is a forthright attack on three propositions—that "science exists to serve the material wants of man"; that "central planning makes for efficiency, and scientists have a duty to press for its introduction in their own sphere"; and that "since scientists are accustomed to do everything methodically, and since they must recognize that central planning would improve the efficiency of their own work, they should press for the adoption of a scientific scheme of central planning in all departments of life." In his refutation, the author emphasizes the importance of "idle curiosity" as a force leading to scientific contributions. Science, moreover, is an end in itself; and while it has indirectly contributed enormously to material welfare, its advancement is impaired when its major objective becomes material improvement. While technological research *can* be planned and directed with considerable fruitfulness, scientific progress depends upon the unplanned and necessarily undirected intuitions of individuals. The scientist does have many social obligations, but they do not include the duty of supporting indiscriminately all varieties of state planning. One of the most interesting portions of this little book is the chapter on science and planning in the Soviet Union. Baker does not believe that progress in basic science since the first World War owes much to the scientists of that land. The whole atmosphere of research under totalitarianism destroys the scientific attitude of mind. Because it might lead to criticism of the directors of research, "idle curiosity" is not encouraged. The absurdities to which totalitarian direction of science can lead are illustrated by a remark of T. D. Lysenko, a member of the Soviet Academy of Sciences: "When he grasps Bolshevism, the reader will not be able to give his sympathy to metaphysics, and Mendelism definitely is pure, undisguised metaphysics." This book can hardly be called an argument against social planning as such. Nor is it an attack on the principle of state support of scientific research. Rather is it a well-reasoned attempt to show that, unless we can plan in such a manner as to extend freedom of individual investigation, our possible material advancement is likely to be accompanied by scientific stagnation.—MULFORD Q. SIBLEY.

Much criticism has been directed against public opinion measurement

in recent years—at the same time that its rôle has increased significantly. Laszlo Radvanyi, in a survey entitled *Public Opinion Measurement* (Mexico City: Instituto Cientifico de la Opinion Publica Mexicana, 1945, pp. 88, $5.00 Mex., $1.00 U.S.), attempts to ascertain how extensive this criticism is among social scientists and journalists. Accordingly, questionnaires were sent to the countries in which institutes of public opinion are found, such as the United States, England, Canada, Australia, Sweden, France, and Mexico. In this particular volume, only the results in the United States are published, to be followed later by findings elsewhere. The questionnaires, containing twelve questions, are designed to reveal what proportion of scientists and journalists consider public opinion measurement a scientific method and a useful factor in their work and in the functioning of democratic society. The author establishes opinions regarding some of the fundamental problems of public opinion measurement. Among these problems are the determination of factors decisive in the formation of opinions, what measures should be taken to avoid being improperly influenced by government or private institutions, and suggestions for the supervision, organization, and financing of institutes of public opinion. In the second half of the volume, the views of some of the leading specialists in the field of opinion research are quoted. The results described in this survey are encouraging to those who are striving to establish public opinion measurement on a more scientific basis, and who have high hopes for its salutary influence upon public and private affairs. However, more specific data about the questionnaires—to whom sent, the number received from each group, etc.—would be welcome.—BELLE ZELLER.

Community Organization for Social Welfare (University of Chicago Press, 1945, pp. 658, $4.75), by Wayne McMillen, is a valuable book for those who are studying or functioning in social work. The author, an experienced teacher and a practical social worker, sees community organization as a process which is utilized in every type of social agency and in connection with various types of programs. He devotes nine chapters to Part I, concerned with "Process." The second section deals with "Structure." Here the political scientist will find material pertinent to his interest in the chapters on "Coördinating and Planning Agencies" (X); "Local Organization for Joint Financing and for Joint Planning" (XIII); "State-Wide Planning and Coördinating Agencies" (XV); and "National Agencies Concerned with Coördination and Social Planning" (XVI). In the final chapter, "The Decades Ahead," Professor McMillen concludes: "The community organization process in social welfare needs . . . to become increasingly the concern of groups not yet aware of its methods and purposes. The social work field will have more to offer such

groups if, through increased research, analysis, and experimentation, it enlarges its own grasp of the process" (p. 636). There are 228 pages of source material, including excerpts from official reports, professional papers, the findings of committees, and statutes pertaining to the subject, distributed at appropriate points in the text. A comprehensive bibliography follows each chapter. An index of twenty-two pages is also useful.—MONA FLETCHER.

There has been a tendency in the machine age to pay more attention to the care and feeding of machines than to the care and feeding of the men and women who run the machines. Perhaps this emphasis is to be expected in an era of mass production when the contribution of the machine is more evident to the casual and superficial extrovert than the introverted frustrations and aggressions which complexly affect the human beings who design and feed the machines. Stuart Chase's *Men at Work* (Harcourt, Brace and Co., 1945, pp. 146, $2.00) emphasizes in contrast the importance of recognizing the value of men as individuals in order to obtain their greatest service through the utilization of their psychological drives. The machine exists for man rather than man for the machine. In public administration, Mr. Chase urges that more attention be given to democratic planning on the lower levels rather than to master plans formulated on the higher levels and dictated to the lower levels. The Social Security Board is doing a third more work with a fifth less help, and yet doing it more smoothly than before the war, because through planning on the grass roots level it has made each of its employees feel a new pride in their importance and responsibility. In an age when public and private governments are entering new fields of activity, Mr. Chase's viewpoint is both stimulating and democratic.—JOHN B. MCCONAUGHY.

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Organization of the Department of State, April 1, 1945. Washington: Govt. Ptg. Off., 1945. 88 p. (Publication 2359). 40¢.

Papers relating to the foreign relations of the United States; the Paris peace conference, 1919. v. 11. Washington: Govt. Ptg. Off., 1945. 736 p. chart. (Pub. 2337). $2.50.

Treaty developments, 1944; a compilation of data regarding signatures, ratifications, adherences . . . Washington: Govt. Ptg. Off., 1945. 36 p. 10¢.

Trial of war criminals. Documents: 1. Report of Robert H. Jackson to the President. 2. Agreement establishing an international military tribunal. 3. Indictment. Washington: Govt. Ptg. Off., 1945. 89 p. 20¢.

Treasury Department

General counsel. (The preliminary studies of financial laws and institutions of enemy and formerly enemy-occupied European countries, already noted in this department, have now been removed from the restricted list. Persons interested in the limited distribution of this extremely valuable series should ask the Treasury Department for the press release *Press Service* No. V-66.)

War Department

Military governor of the U. S. Zone, Military government of Germany. Monthly report, with annexes. (The first four monthly reports dealt with restoration and restitution, displaced persons, stateless persons and refugees, property control, coal, denazification. It is understood that 75 copies of these reports have been deposited with the Civilian Affairs Division of the War Department, for limited distribution.)

——— *Public relations branch.* A review of Allied military government and the Allied commission in Italy, July 10, 1943, D-day Sicily, to May 2, 1945, German surrender in Italy. Washington: Govt. Ptg. Off., 1945. 125 p. maps.

STATE AND TERRITORIAL

ALABAMA

University of Alabama, University. Bureau of public administration. The legislative process in Alabama, standing committees, by Hallie Farmer. University, 1945. 63 p. (Publication no. 18, 1945.)

——— One foot on the soil: a study of subsistence homesteads in Alabama, by Paul W. Wager. University, 1945. 230 p. (This is primarily sociology, but is written by a political scientist and has some bearing on the field.)

CALIFORNIA

University of California, Berkeley. Bureau of public administration. (Beginning with no. 1, December, 1944, the Bureau has issued a series of mimeographed bulletins under the general title of "1945 legislative problems," at the request of the California legislature. They include studies of state organization and fair employment practices, problems of the veteran, financial aspects of health insurance, the rôle of the states in postwar aviation, etc.)

Legislature. The United Nations conference on international organization. Verbatim minutes of the first eight plenary sessions (April 26–May 2, 1945) and addresses given by representatives of various nations. Sacramento, 1945. 163 p.

CONNECTICUT

Department of education. Constitutionalism and democracy in America. The evolution of constitutional government in the United States, by Richard J. Stanley. Hartford[1944] 128 p. (Curriculum laboratory bulletin 9.)

KANSAS

State College. An economic-sociological study of a Kansas community [Ellis county]: a pattern for the study of any county or similar area in the United States; by V. T. Clover. Fort Hays, 1945. 71 p.

KENTUCKY

University of Kentucky, Bureau of business research. Southern state and local finance trends and the war, by J. W. Martin. Lexington, University of Kentucky Press, 1945. 106 p. (Univ. of Kentucky bulletin, Bureau of business research, no. 19.) 10¢. (Published in coöperation with Vanderbilt Univ. Press.)

MASSACHUSETTS

General court. Special commission to make a further investigation of the retirement systems of the commonwealth and of political subdivisions thereof. Report . . . Boston, Wright and Potter Ptg. Co., 1945. 181 p. (House doc. no. 1950).

NEW YORK

Commission on municipal revenues and reduction of real estate taxes. Report. Albany, 1945. 35 p.

Department of state. Official compilation of codes, rules, and regulations of the state of New York. Albany, 1945. 5 v. A supplement will be issued on April 30. 1946. Price as yet undetermined. (Rules and regulations of all state departments, not including those which relate solely to organization or internal management.)

New York (City). Department of investigation. The physically handicapped student in American colleges and universities, June, 1944, by Dorothy Gitnick. New York, 50 Pine St., 1945. 35 p. (Studies in municipal problems no. 9.)

PENNSYLVANIA

General assembly. Joint state government commission. Committee on municipal authorities. A report. Harrisburg, 1945. 56 p.

VIRGINIA

University of Virginia, Charlottesville, University extension. Ten years of county manager government in Virginia: an experiment in local government; by G. W. Spicer. Charlottesville, 1945. 94 p. 25¢.

WISCONSIN

Bureau of personnel. Civil service law and rules, 1945. Madison, 1945. 44 p.

FOREIGN AND INTERNATIONAL

BRAZIL

Brazilian government trade bureau. Corporations, labor, and tax system in Brazil. New York, Brazilian Govt. Trade Bureau, 1945. 134 p. gratis.

CANADA

External affairs department. Report of the United Nations conference on international organization, held at San Francisco, 25th April–26th June, 1945. Ottawa, Edward Cloutier, 1945. 138 p. (Conference series, 1945, no. 2.)

Wartime industrial control board. Canadian war orders and regulations, 1945. Ottawa, King's Printer, 1945. 440 p. $1.00.

CHINA

Chinese news service. China after five years of war. Prepared under the auspices of the Ministry of Information . . . New York, Chinese News Service, Rockefeller Center, 1945. 233, vii p. (A similar volume was issued in 1944.)

COLOMBIA

La reforma constitucional en el congreso. Bogotá, Imp. Nacional, 1945. 131 p.

FRANCE

French press and information service, New York. Toward a federal union: the French solution of the colonial problem. New York 22, 501 Madison Avenue, 1945. 15 p.

GREAT BRITAIN

British information services, New York. Landmarks in democracy: developments in British political history. New York 20, 30 Rockefeller Plaza, 1945. 27 p. il.

——— Select list of white papers and other important government documents, September, 1939–September, 1945. New York 20, 30 Rockefeller Plaza, 1945. 10 p.

Colonial office. Commission on constitutional reform, Ceylon. Report. London: H. M. S. O., 1945. 159 p. (Cmd. 6677) 2/6.

Foreign office. Agreement on petroleum between the Government of the United Kingdom . . . and the Government of the United States of America, London, 24th September, 1945. London: H. M. S. O., 1945. 5 p. (Cmd. 6683.)/1.

——— Documents relating to the conditions of an armistice with Italy. (September–November 1943) [With commentary] London: H. M. S. O., 1945. 20 p. (Cmd. 6693.) /4.

——— Final act of the conference concerning the re-establishment of the International zone in Tangier . . . London: H. M. S. O., 1945. 10 p. (Cmd. 6678.) /2.

GREECE

Government office of information. Europe and the Albanian question, by M. P., Pipinelis. New York, Greek govt. office of information, 30 Rockefeller Plaza 1945. 94 p.

MEXICO

Secretaría de relaciones exteriores. La anexion de Centro América a Mexico. Documentos y escritos de Enero a Junio de 1823. v. 4. Mexico, D.F., 1945. 354 p. (Archivo historico diplomatico Mexicano, 2 ser. num. 3.)

——— Inter-American conference on problems of war and peace, Mexico, Feb. 21–March 8, 1945: resolution 39, on the establishment of a general international organization, and annexed documents. Mexico, D.F., 1945. 266 p.

Universidad nacional autónoma de México. Escuela nacional de jurisprudencia. El problema de la justificación del estadk; tesis que para obtener el título de licenciado en derecho presenta el señor Manuel Castro García. México, 1945. 35 p.

——— La adopción del federalismo en México [por] Luis Martínez Palafox. México, 1945. 128 numb. 1. (Reproduced from typewritten copy.)

——— *Facultad de derecho y ciencias sociales.* Evolución histórico-jurídico del concepto de la soberanía. Tesis que presenta Gabriel López Martínez . . . México, 1944. 46 p.

POLAND

Polish embassy in Washington. Polish-Soviet relations, 1918–1943. Washington, 251 p. (An important document from the point of view of the London Polish government in exile. Not dated, but probably 1944; marked "Confidential" and only recently released.)

UNION OF SOVIET SOCIALIST REPUBLICS

Embassy . . . Washington, D. C. Constitution (Fundamental law) of the Union of Soviet Socialist Republics, as amended and supplemented by the first, third, sixth, seventh, and eighth sessions of the Supreme Soviet of the USSR. Washington, December, 1945. 31 p.

PAN-AMERICAN UNION

Fourth Pan-American coffee conference, Mexico City, September 3–14, 1945. Washington, 1945. 39 p. (mim.) (Congress and conference series no. 50.)

Report on international juridical status of individuals as war criminals; prepared by the Inter-American juridical committee, in accordance with resolution 6 of Inter-American conference . . . Mexico City, Feb. 21–Mar. 8, 1945. Washington, 1945. 15 leaves. (processed).

United Nations conference on international organization, San Francisco, April 25–June 26, 1945. Report on the action of the Conference on regional arrangements. Washington, 1945. 25 p. (mim.). (Congress and conference series no. 48).

UNITED NATIONS INFORMATION OFFICE, NEW YORK

Documents of the United Nations Conference on International Organization, San Francisco, 1945. v. 2–3. New York, 1945. 637, 710 p.

v. 2. Documents. General. (Journal, no. 1–53 in English, 3–53 in French; précis of committee proceedings 1–43, in French and English; documents of the International secretariat, in French and English. 637 p., photolithographed from type and manuscript.)

v. 3. Dumbarton Oaks proposals, comments and proposed amendments. (Reproduced from typewritten manuscript. English text. 710 p.)

War and peace aims. Extracts from statements of United Nations leaders. Special supplement no. 6 to the United Nations Review. October 15, 1945. New York, 610 Fifth Avenue, 1945. 192 p. 75¢. (Chapter 7 is comment on international organization; chapter 8 gives the texts of important documents.)

NOTES ON SOME RECENT DOCUMENTARY MATERIALS

JAMES B. CHILDS

Library of Congress

The thirteen numbers of the *Official Journal of the Japanese Military Administration* in the Philippines, issued at Manila in a bilingual octavo edition in English and Japanese, and covering the period from January, 1942, to October, 1943, seem to be

the first and most extensive records of the acts of Axis occupation in the Far East yet available. At the time they were first obtained, the first four numbers were considered of such importance that the War Department made an offset edition for restricted use. Contained in the *Official Journal* are the instructions, notifications, orders, and ordinances of the Military Administration, as well as executive orders of the civilian Executive Commission, and, further, the messages and addresses of not only the Commander-in-Chief of the Japanese Forces and the Director-General of the Military Administration, but of the Chairman of the Executive Commission. The first proclamation of the Commander-in-Chief of the Japanese Imperial Forces is dated January 2 1942. By Order No. 1, January 23, 1942, a chairman of the Executive Commission was appointed to coördinate and organize the central civilian administration into six departments, with Japanese advisers in each. Executive Order No. 1 of the civilian Executive Commission dated January 30, 1942, reconstituted the central administrative organs and the courts and Executive order No. 4, of February 5, 1945, defined their duties, functions, and activities. Section 4b of Executive Order 4 established an official gazette for the puppet civil administration, to "contain all orders and proclamations of the Commander-in-Chief of the Imperial Japanese Forces and of the chairman of the Executive Commission, such decisions or abstracts of decisions of the Supreme Court as may be deemed by said court of sufficient importance to be published, and such documents as may be required to be published by law or by order of the Commander-in-Chief of the Imperial Japanese Forces or by the Chairman of the Executive Commission." Number 13, covering the period June to mid-October, 1943, seems to be the final issue, terminating the documents preparatory to the inauguration of the Republic of the Philippines under Japanese sponsorship.

With the downfall of the neo-fascist government in Northern Italy at the end of April, 1945, a brief statement about the publication of decree-laws, decrees, and other official acts may be helpful. By decree of August 2, 1943, the Fascist party had been dissolved shortly after the ouster and arrest of Mussolini. Near the middle of September, and very soon after the reported release of Mussolini as of September 12 by units of the German armed forces, the king of Italy and his government had fled from Rome to the liberated area. The *Gazzetta ufficiale del Regno d'Italia*, the official gazette of the Italian government, continued daily publication in Rome. In No. 223 (84th year) of September 24, 1943, were two orders of the military commander of Rome, one of the 14th appointing commissars for each of the civil ministries, and another of the 16th for each of the three defense ministries. Meanwhile the "puppet" government had been formed in Northern Italy. At least as early as September 25, Mussolini functioned as "il Duce del Fascismo, capo dello Stato nazionale repubblicano" in promulgating decree legislation, the place of promulgation being indicated here as well as subsequently as "Dal Quartiere Generale." With the number of October 19, the title of the gazette became *Gazzetta ufficiale d'Italia*, the phrase *del regno* being dropped. About the middle of November, at the time of the Facist party conference in Verona when the eighteen constitutional points were adopted, the *Gazzetta ufficiale* was removed from Rome to Brescia in the north, the numbering and pagination being continued. After this, the decree legislation was enacted by Mussolini as "Il Duce della Repubblica sociale italiana, capo del governo." A coat of arms and seal for the Repubblica Sociale Italiana, the neo-fascist state, were prescribed in a decree of January 23, 1944. Under the same date another decree formally replaced the Fascist party (Partito nazionale fascista) by the Partito fascista repubblicano. With the number for February 28, 1945, the *Gazzetta ufficiale* was trans-

ferred from Brescia to Milan, and it was continued at least through No. 77 for April 3, 1945. A classified compilation of the decree laws and decrees of the neo-Fascist régime in its first year was published in two volumes at Milan in January, 1945, by the Milan federation of the Partito fascista repubblicano under the title: *Principii e legislazione della Repubblica sociale italiana.* In the liberated area, publication of a "Serie speciale" of the *Gazzetta ufficiale del regno d'Italia* was initiated with No. 1 (November 18, 1943) of the 84th year, the address being P.M. 151. From February 19 to July 8, 1944, the numbers of the special series (85th year) were published at Salerno. Beginning with July 27, 1944 (No. 40), publication of the *Gazzetta ufficiale* was transferred to Rome, and with the 86th year, 1945 the designation "Serie speciale" was discontinued.

For Belgium, the first issue of the official gazette of the government returned from exile in London to Brussels appeared under date of September 7, 1944, with the usual title *Moniteur belge, Belgisch staatsblad,* and contained ordinances of the Civil Affairs Mission. The second issue, of September 8, contained a proclamation of Pierlot, the prime minister. No. 24 bis, dated September 7, 1944, was the final issue of the *Moniteur belge* at London for the government in exile. On September 9, the reprinting was begun of the 111 numbers of the *Moniteur belge* printed from the time the government fled from Brussels in May, 1940, until its return in September, 1944, one number having been printed at Ostende, nine in France, and the other 101 in London. The verbatim proceedings (14 p.) of the first meeting of the Belgian parliament after the liberation of the country were published in the same format as the *Moniteur belge,* under the title: *Compte rendu analytique des discussions des chambres legislatives de Belgique, Sénat et chambre des representants, séance solenelle du mardi 19 de septembre 1944.* M. van Couwelaert, president of the Chamber, M. Gillon, president of the Senate, M. Pierlot, the first minister of the government in exile, spoke. The Parliament of Belgium had sat for the last time previous on May 10, 1944. During the German occupation of Belgium, the military administration published Nos. 1 to 130 (total of 1,551 pages) of an ordinance gazette, dated from May 10 1940, to July 18, 1944, under the title: *Verordnungsblatt des Militärbefehlshabers in Belgien und Nordfrankreich für die besetzten Gebiete Belgiens und Nordfrankreichs herausgegeben vom Militärbefehlshaber (Chef der Militärverwaltung).* No. 1 had the much shorter title *Heeresgruppen-Verordnungs-blatt für die besetzten Gebiete.* The ordinances in Nos. 1 to 10 (August 13, 1940) were applicable also to Luxemburg. No. 4 (p. 89–94) was not distributed for some reason, but the text was included with No. 5, July 6, 1940. Annual indexes were published for 1940, 1941, 1942, and 1943. There was a strict prohibition of the reprinting of the ordinances in whole or in part, except with permission of the chief of the military administration. For the civil government of Belgium under the German occupation, there was an official gazette beginning in June, 1940, and continuing until No. 247 dated September 3, 1944, under the full title: *Moniteur belge des arrêtés ministériels et autres arrêtés des secrétaires généraux. Belgisch staatsblad der ministerieele besluiten en andere besluiten der secretarissen generaal.* The German translation which accompanied each issue under the title of *Uebersetzung der im Moniteur belge-Belgisch staatsblad erscheinenden Verordnungen* was discontinued with June 22, 1944, on account of the paper shortage.

In the Netherlands, record of the acts of the Military Administration in restoring civil government beginning with the freeing of the first Dutch territory during September, 1944, were published currently in the *Publicatieblad van het Militair gezag*

(No. 1, September 19, 1944). The Military Administration was composed of workers trained in civil affairs functioning under the conditions of a special state of siege. Under date of May 16, 1944, the Dutch authorities in London had reached an agreement with American and British authorities to this end. The ordinances, orders, regulations, rules, public notices, etc., in the *Publicatieblad*, also reproduced in the *Staatscourant* (the Dutch official gazette), dealt with the restoration of civil services, distribution of ration cards, regulation of public meetings, police organization, frontier control, transport coördination, autobus regulation, public health maintenance, insurance matters, suspension of civil officials, etc. The first issues of the *Publicatieblad* were printed in London; later issues were printed at Maastricht, and then at The Hague. A first volume (XVI, 617 pp.) of the reconstruction legislation (reprinted from the *Staatsblad*) which the Military Administration was carrying into effect was printed at Maastricht early in 1945 under the title: *Herstelwetgeving*.

To serve as a practice manual for the military government courts in Germany is the purpose of No. 2 of the *Military Government Gazette, Germany*, twelfth army group area of control. It has a total of thirty-eight pages, and was published about the middle of May, 1945. The title is also in German, as *Amtsblatt der Militärregierung Deutschland, Kontroll-Gebiet der zwölften Armeegruppe*. For the purpose of a practice manual, it includes the text, in both English and German, of Proclamation 1 establishing military government, Ordinance 1 on crimes and offices, Ordinance 2 on military government courts, Ordinance 3 on official language, and rules of military government courts. In Ordinances 1 and 2, the text of the German translation has had some revision. Ordinance 3 has been amended to provide that French be the official language in the area under French control. German texts are furnished merely as a matter of convenience. The enactments, ordinances, proclamations, regulations, etc., in Nos. 1 and 2 of the *Military Government Gazette, Germany*, were made effective in the entire German territory under the control of the Supreme Headquarters, Allied Expeditionary Forces (SHAEF), including the part of the Soviet zone occupied by the U. S. forces and relinquished when the zones were delimited. There were three army groups—the 21st (Northern), the 12th (Central) and 6th (Southern). When the SHAEF was dissolved at the end of June, 1945, the territory was divided into the British, United States, and French zones.

The first attempt at a systematic critical study of public documents in France, prepared by Jacques de Dampierre, was published at Paris in 1942 (A Picard, 628 p.) under the title: *Les publications officielles des pouvoirs publics*. The author, a graduate of the École des Chartes with experience as a municipal councillor, mayor of a rural commune, and as general councillor in the Department of Maine-et-Loire, and as editor of the *Annuaire général de la France et de l'étranger*, had in 1937 been given an official commission to prepare a general inventory of French official publications. On account of the war situation, only the first hundred pages of a volume for the years 1937 and 1938 were printed as of late 1940 (Librairie Berger-Levrault), containing preliminary matter and parliamentary and budget documents, and having the title: *Inventaire général des publications officilles, Première série: Institutions centrales de l'état. Tome premier: Publications administratives et techniques, 1937–1938*. The work of Jacques de Dampierre should be of value to all who have had to struggle with French official documents and their intricacies. It is to be hoped that the situation in France may soon be favorable to the carrying out of the plan of the *Inventaire général*.

The initial reëstablishment of a civil government in Poland as the German occupation forces were being driven back was followed rather soon by the publication of an official law gazette under the title of *Dziennik ustaw-Rzeczypospolitej Polskiej* by the Polish Provisional Government of National Unity at Lublin, beginning with August 15, 1944. The first enactment concerning the appointment of heads of executive departments is dated July 21, 1944. Although the government moved to Warsaw from Lublin in the first days of February, 1945, the *Dziennik ustaw* continued to be printed at Lublin until the early part of April, and subsequently (at least through August) at Lodz. It would be a great practical convenience if the full text of the more important of these Polish reconstruction laws could be made easily available in English translation.

In Turkey, law No. 4695, dated January 10, 1945, amended the national constitution by the substitution of Turkish equivalents for words and phrases of non-Turkish origin, but without any change of meaning. In all, about 300 words and phrases of Persian or Arabic origin were replaced by others of Turkish origin, in harmony with the long-continued studies of the Turkish Language Society (Türk Dil Kurumu). The changes are likely to affect the entire administrative vocabulary in Turkish.

Since the cessation of fighting in the World War, another government-in-exile has come into being. The *Gaceta oficial de la República Española*, año 1, tomo 1, núm 1, published at Amazonas 26–3, México, D.F., under the date of September 7, 1945, marks in its six pages formal steps looking toward the reëstablishment of the republic in Spain from the friendly soil of Mexico.

A full, but concise, unofficial reference directory of the French government, prepared by Georges Saulgeot, resumed publication with 1945. This *Annuaire*, issued regularly from 1936 to 1940, had been suspended during the German occupation.

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